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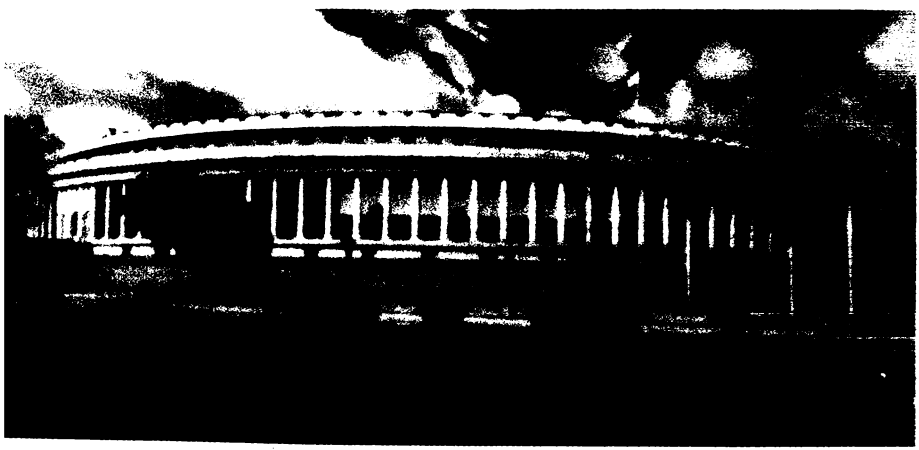

LOK SABHA SECRETARIAT, NEW DELHI

THE JOURNAL OF PARLIAMENTARY INFORMATION

EDITOR: P.D.T. Achary

The Journal of Parliamentary Information, a quarterly publication brought out by the Lok Sabha Secretariat, aims at the dissemination of authoritative information about the practices and procedures in Indian and foreign Legislatures. The *Journal* serves as an authentic recorder of important parliamentary events and activities. It provides a useful forum to members of Parliament and State Legislatures and other experts for the expression of their views and opinions, thereby contributing to the development and strengthening of parliamentary democracy in the country.

The Editor would welcome articles on constitutional, parliamentary and legal subjects for publication in the *Journal.* A token honorarium is payable for articles, etc. accepted for publication. The articles should be type-written on only one side of the paper.

The latest books on parliamentary and constitutional subjects are reviewed in the *Journal* by members of Parliament and scholars. Books intended for review should be sent to the Editor.

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EDITORIAL NOTE

In a parliamentary system of governance, the Office of the Presiding Officer is one of immense prestige. It symbolises the dignity and independence of the House. The sustenance of people's faith in the democratic institutions has a direct relationship to the way in which the Houses conduct this business. As the custodians of the rights and privileges of the legislators and the Legislative Bodies, the Presiding Officers have to perform an onerous task. They have a great responsibility to create conducive conditions and provide ample opportunities to all sections of the political opinion to raise important issues on the floor of the House. Besides, the responsibility to nurture and nourish healthy parliamentary traditions and sound conventions falls mainly upon the Presiding Officers. Thus, each day of the sitting of a Legislature provides a new experience. In this scenario, it becomes imperative that Presiding Officers come together to discuss common problems and share their experiences from time to time and further streamline the functioning of our Legislative Bodies. The Conference of Presiding Officers of Legislative Bodies in India, set up in 1921, provided the institutional mechanism for the purpose. Ever since its inception, this Conference has been serving as the most appropriate forum for the exchange of views and experiences among the Presiding Officers.

It is in this context that the Seventieth Conference of Presiding Officers of Legislative Bodies in India held at Raipur, Chhattisgarh from 15 to 16 November 2005 assumes great significance. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee inaugurated the Conference on 15 November 2005. In his thought-provoking Address, the Speaker touched upon various issues of concern to parliamentary governance. He also recapitulated major developments of parliamentary interest since the last Conference at New Delhi in July 2005. During the 70th Conference, two Agenda items, *viz. 'Poverty Alleviation—How the Parliament and Civil Society can work in Tandem?'* and *'Legislature and the Media—Roles and Responsibilities'* were discussed. We include in this issue of the *Journal* the text of the Inaugural Address by Shri Somnath Chatterjee.

The Conference was followed by a Symposium on the *'Role of Member as an Intermediary between the Citizens and the Government'* on 17 November 2005. The Symposium was inaugurated by the Chief Minister of Chhattisgarh, Dr. Raman Singh. The Speaker, Lok Sabha, Shri Somnath Chatterjee presided over the Symposium and addressed

it. The Symposium was attended by a large number of Presiding Officers; Member of Parliament, Smt. Karuna Shukla; and Ministers and Members of the Chhattisgarh Vidhan Sabha. We include in this issue of the *Journal* the text of the Address delivered by Shri Somnath Chatterjee on the occasion.

Popularly acclaimed as *'Gurudev'* and *'Kaviguru'*, Rabindranath Tagore was a multi-faceted personality of modern India whose all embracing genius touched many fields of humanity. He was a versatile poet and prolific writer, musician—well known for his brand of music *'Rabindra Sangeet'*—painter, educationist, staunch nationalist and a patriot. He was the first Asian to be awarded the Nobel Prize for Literature in 1913 for his collection of poems *Geetanjali*. Two years later, he was also conferred knighthood by the British Crown which he renounced in protest against the Jallianwala Bagh massacre in 1919. Tagore inspired the National Movement for freedom through his poems, short stories and novels thereby awakening the masses of India to the national cause. It was Gurudev's composition, *Jana Gana Mana* which was later adopted as the National Anthem of Independent India. In honour of the memory of this great son of India and in acknowledgement of his many contributions to our national firmament, a statue of Gurudev Rabindranath Tagore was unveiled in the Parliament Library Building by the Prime Minister of India, Dr. Manmohan Singh on 7 December 2005. An Exhibition titled, *'Gurudev Rabindranath Tagore: Glimpses of His Life and Times'* was also set up on the occasion. We carry in this issue of the *Journal* a Short Note titled, 'Unveiling of the Statue of Gurudev Rabindranath Tagore in Parliament Library Building'.

In addition, the current issue of the *Journal* carries our other regular features, *viz.* Parliamentary Events and Activities, Parliamentary and Constitutional Developments, Documents of Constitutional and Parliamentary Interest, Sessional Review, Recent Literature of Parliamentary Interest and Appendices.

It has been our constant endeavour to make the *Journal* more useful and informative. We would greatly welcome suggestions for its further improvement. We also welcome practice and problem-oriented, non-partisan articles in the field of parliamentary procedures and institutions from members of Parliament and State Legislatures, scholars and all others interested in the field of parliamentary political science.

–P.D.T. Achary
Editor

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE AT THE SEVENTIETH CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

The 70th Conference of Presiding Officers of Legislative Bodies in India was held at Raipur from 14 to 18 November 2005. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee delivered the Inaugural Address on 15 November 2005.

We reproduce below the text of the Address by the Speaker, Lok Sabha, at the Conference.

—Editor

Honourable Speaker, Chhattisgarh Legislative Assembly, Shri Prem Prakash Pandey, Honourable Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; Honourable Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; Honourable Presiding Officers from the State Legislatures; Secretaries-General of Lok Sabha and Rajya Sabha; Secretaries from the State Legislative Bodies; and Ladies and Gentlemen:

It is a matter of great pleasure for me to be here with you at the Seventieth Conference of Presiding Officers of Legislative Bodies in India.

I wish to express my deep appreciation for the very heart warming, instructive and inspiring Welcome Address delivered by the Honourable Speaker of Chhattisgarh and I thank him for the warm hospitality.

This is the first time that the Legislative Assembly of Chhattisgarh is hosting this Conference after the State was formed. I wish to thank the Honourable Speaker of the Chhattisgarh Legislative Assembly for graciously volunteering to host the Conference at Raipur and for providing excellent hospitality, which is quite in keeping with the rich cultural heritage of Chhattisgarh which has a great heritage and has been the area which has produced great leaders who have made great contribution in our freedom struggle and in the different spheres–spiritual, social, cultural, literary, and intellectual–of our country. We are happy to be here at Raipur, the model of a resurgent State of our country.

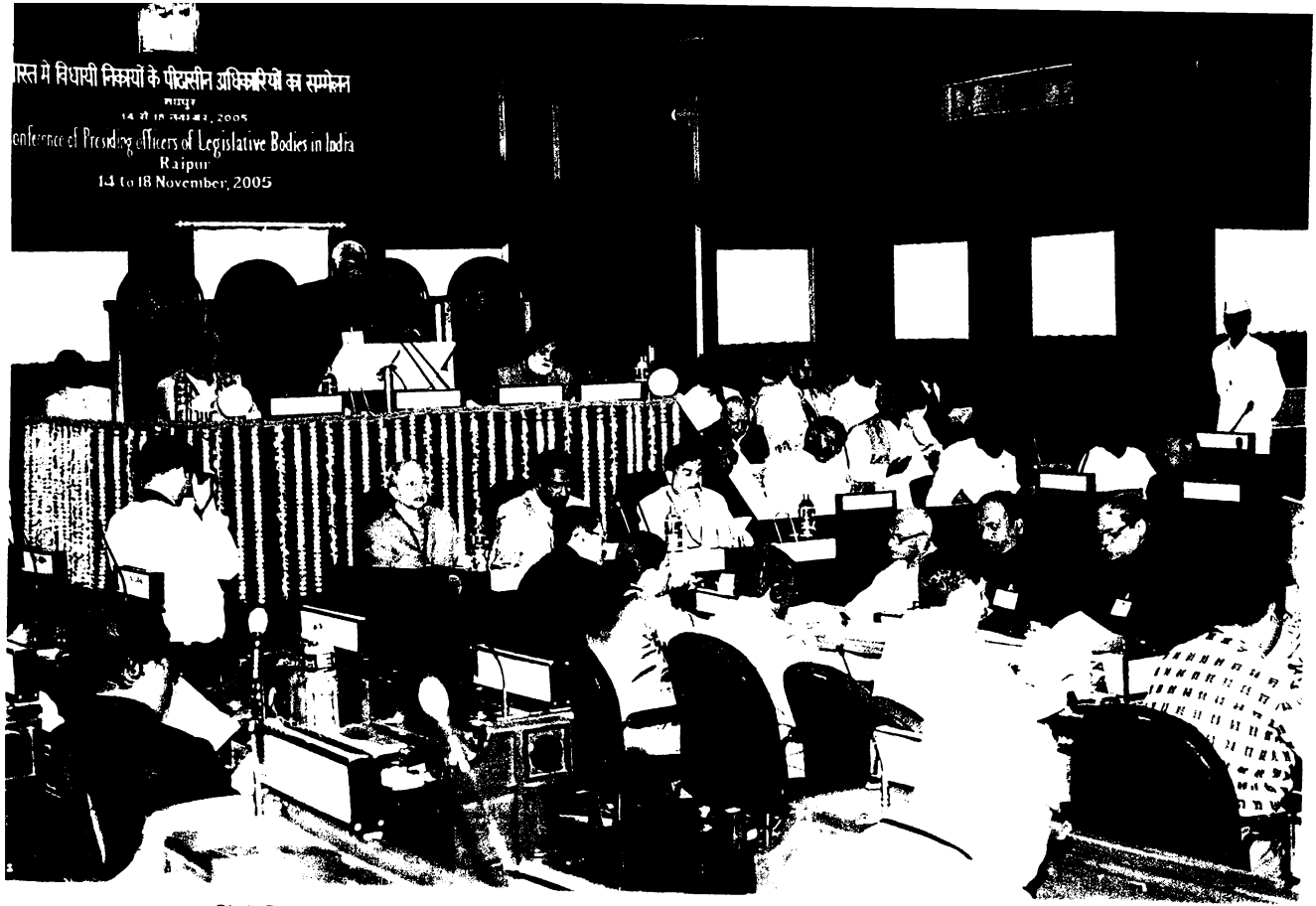
Friends, we are meeting under the shadow of the passing away of one of the country's most distinguished sons, Shri K.R. Narayanan, our former *Rashtrapatiji.* In his demise, the country has lost one of its greatest leaders who adorned with distinction several offices including that of the President of our Republic and shed lustre on all of them. His life provides a saga of continuous struggle against injustice and inequities of all kinds. From his very humble beginnings in a remote village in Kerala, with his great merit and commitment, he rose to occupy the highest office of the land. He dedicated his life to the service of the masses and identified himself with the deprived and the downtrodden. He always cherished the true message of our Constitution and upheld its values and ideals, thereby strengthening our democratic edifice. He had an outstanding tenure as the Presiding Officer of the Rajya Sabha.

In Shri Narayanan's death, we have lost a sagacious statesman, an ardent champion of secularism and constitutional propriety, and a friend of the underprivileged. His passing away has indeed left a void that would be difficult to fill but his life would ever remain an inspiration to all those who believe in building a secular, progressive, rational, and egalitarian society.

It is also my sad duty to make a reference to the passing away of some of our esteemed former colleagues. I have already mentioned them but I repeat and they are Sarvashri Ghulam Sarwar and Radhanandan Jha, both former Speakers of the Bihar Vidhan Sabha; Himmatlal T. Mulani, former Speaker of the Gujarat Legislative Assembly; Prasanna Kumar Dash, former Speaker of the Orissa Legislative Assembly; Thiru Munu Adhi, former Speaker of the Tamil Nadu Legislative Assembly; and Shri Bheru Lal Patidar, former Deputy Speaker of the Madhya Pradesh Vidhan Sabha. I pay my respectful homage to the memory of the deceased who had graced the fraternity of Presiding Officers.

Let me take this opportunity to once again felicitate Shri Hashim Abdul Halim, our distinguished colleague from West Bengal, who has been elected as the new Chairman of the Executive Committee of the Commonwealth Parliamentary Association (CPA) for the next three years. I am sure, all of you would join me in congratulating the longest-serving Presiding Officer in our country and a valued colleague on his assuming this prestigious office and for the great honour bestowed on him and the country as a whole. It is undoubtedly a landmark event in our parliamentary history.

This is the third time that we are meeting this year. After the Emergent Conference in New Delhi in March 2005, we had met in New Delhi in July 2005 at the 69th Conference. I believe, regular interactions



Shri Somnath Chatterjee, Speaker, Lok Sabha delivering the Inaugural Addresss at the Seventieth Conference of Presiding Officers of Legislative Bodies in India

among the Presiding Officers of Legislative Bodies are extremely helpful, as they enable us to exchange our experiences and to discuss many important issues relating to the functioning of our elected bodies and discharging our Constitutional functions.

There have been some significant developments of parliamentary interest that have taken place since we last met in New Delhi in July 2005.

As all of you are well aware, the need to maintain harmonious relationship between the Legislature and the Judiciary has been engaging our attention for quite sometime now. In fact, we discussed this crucial subject during our Emergent Conference in New Delhi in March this year. A related matter came up before the Lok Sabha during the Monsoon Session when on 24th August, 2005, some Honourable members made submissions regarding the reported observations made by the Honourable Chief Justice of India, advising the Government to exercise self-restraint in criticising the Supreme Court's observations on State quota and the reservation policy in unaided private professional colleges. I am sure, all of you are fully familiar with the facts. Associating myself with the sentiments of the members, I observed in the Lok Sabha:

> "... Legislature has its own rights and Parliament, as the supreme legislative body, surely will act according to its rights under the Constitution. Similarly, the courts have their rights to function in their own sphere without any interference; and nobody can interfere. Now, there is undoubted right of the court to construe the laws passed by this Parliament. Therefore, many laws passed by the Parliament have been declared *ultra vires* and it is binding on everybody. Thus, what is important is that there should be a harmonious relationship between the major Constitutional organisations like the Legislature and the Court, and nothing should be done or said which may create an avoidable controversy."

In the Monsoon Session of Lok Sabha, there was a serious incident when some papers were thrown at the Chair by a member, supposedly in protest against the disallowance of a notice of an Adjournment Motion. It had been disallowed by the Chair on the ground that an identical matter had already been discussed at length in the House only a few days back and that, as per the rules, the same matter could not be raised again during the Session.

Some comments appeared in a section of the Media against the Chair for disallowing the Motion. Keeping the seriousness of the issue in mind, I gave my ruling in the House on 4 August 2005, when I stated, *inter alia,* as follows:

"Honourable members, my attention has been drawn to some reports in the print media and I have also seen some of the news items in the electronic media on what has happened in the Honourable House yesterday. Unfortunately, somewhat one-sided report has been given in some quarters raising questions about the impartiality of the Chair in dealing with the issue desired to be raised by one Honourable member. As such, I wish to make the position clear.

It is necessary to recall that only on 26 July 2005, one Adjournment Motion was admitted by me and there was a full and comprehensive discussion on the question of infiltration of foreigners into our country including infiltration from Bangladesh. The concerned Honourable member did not choose to take part in the debate nor, so far as I have been informed, was even present in the House. The same matter cannot be raised twice in one Session of the House as clearly provided by the Rules. Just because one Honourable member was not present during the discussion in the House does not justify trying to raise the similar issue within a week or, at all, during that Session. Rules will have to prevail at all times and for all. If there was any doubt, the reason could have been ascertained from the Chair.

The Honourable Deputy Speaker was in the Chair when the question was raised and he had, if I may say so, rightly informed the House of my decision as the Speaker. But nobody met me or tried to know the reasons of my refusal to admit the similar Motion. Whatever may have been the feeling, it could not and cannot ever justify in indulging in behaviour as happened yesterday. I wish to repudiate categorically and with all the authority of the Chair and with all sincerity the reprehensible insinuation that my decision was prompted by political considerations. Making such allegations was a deliberate attempt to insult the Chair and thereby insult the House as a whole.

However, I shall be failing in my duty if I do not record my total rejection of the grossly defamatory insinuation made against me about taking decisions on political grounds.

I again wish to appeal to all the Honourable members on all sides of the House that as this House belongs to all and ultimately to the people of this country, let us not do or say anything which will, in any way, compromise with the dignity of the House and belie the expectations of the people."

During the Monsoon Session, we had to deal with some very important privilege issues as well. In one such instance, seven members gave notices of question of privilege against the Editor and Publisher of an

English Daily for having published a derogatory news-report, which appeared on 7 August 2005. Honourable members contended that the impugned article constituted a deliberate attack on the Office of the Speaker of Lok Sabha as well as of the House and its members. Sharing the concerns of the members, I gave a detailed ruling in the matter before treating it as closed. Since this ruling has a bearing upon the Legislature–Media relationship, which, incidentally, is also one of the topics of discussion at the Conference. I would like to share with you some of the observations which I put forth on that occasion. In my opinion, the impugned article not only reeked of malice but was also highly contumacious in its conception and in its contents and amounted to gross breach of privilege of the Speaker and also of the House. I observed in the House, *inter alia,* as under:

> "Freedom of Press, a cherished fundamental right in our country, is subject to reasonable restrictions, as contemplated by the Constitution itself, and cannot and does not comprise deliberately tendentious and motivated attacks on the great institutions of this Republic and their officers and functionaries. ...In the name of exercising freedom of Press, there cannot be trial by the Press in which it plays the role of both the accuser and the judge."
>
> "Freedom of Press also encompasses fundamental duties of the Press, which call for showing respect for others and responsible behaviour and cannot permit denigration of the constitutional bodies and the institutions and their important segments."
>
> "It should be noted that although the Presiding Officer of this House is publicly accused of improper behaviour and of partisanship, he cannot join in any public controversy. A most disquieting development is that when the matter has been raised in the House and the Speaker has reserved his ruling, there are open discussions in the electronic media as also in the same newspaper where the concerned correspondent and his Editor have tried to justify the allegations and thereby, in my opinion, have aggravated the breach of privilege. Significantly, the Speaker can only be a viewer of the so-called discussion and not a participant, The Honourable Speaker has to depend on the commitment of the Honourable members of this House, who are keen to preserve the dignity and the status of this great institution. Precisely, for this reason, I had expressed my thanks to those Honourable members, who raised the matter on 12 August 2005, on the floor of this House because only by such reference, the exposure of the contumacious acts could be made. I have no manner of doubt that if such serious accusations of partisanship and libellous

allegations had been made against the Judiciary, it would have been glaring examples of contempt of Court... .

... The Press is rightly described as the Fourth Estate, because without a free and responsible Press, alive to its duties and believing in truth and honesty, this democratic system would almost collapse."

However, in view of the condemnation on the floor of the House, and as it would be beneath the dignity of the great institution of Parliament to take further notice of the motivated imputations in the impugned article, I did not give my consent as requested and I treated the matter as closed, of course, with the observation that, in future, reckless and contumacious conduct indulged in by whosoever would be dealt with in the appropriate manner so as to preserve and enhance the dignity of the highest public forum in our country.

We have mentioned these matters because it created a lot of controversy and I feel that it is essential for us and everybody to maintain cordial relationship between the different organs as also between the two main institutions, namely, the Legislature and the Media.

When we met in New Delhi in July this year, I had informed you about an initiative to constitute a Parliamentary Forum on Water, to enable the members to discuss the related problems in a structured manner with a result-oriented approach. I am indeed pleased to inform you that I have since constituted the Parliamentary Forum on Water Conservation and Management in consultation with the Honourable Chairman of the Rajya Sabha with effect from 12 August 2005. This Forum, with the Speaker, Lok Sabha, as the *ex-officio* President and the Ministers of Water Resources, Urban Development, Rural Development, Agriculture and Science and Technology, the Honourable Deputy Speaker, Lok Sabha and the Honourable Deputy Chairman, Rajya Sabha, as the *ex-officio* Vice-Presidents, consists of 21 members from the Lok Sabha and 10 from the Rajya Sabha. The Forum, *inter alia,* aims at identifying problems relating to water and make suggestions/recommendations for consideration and appropriate action by the Government/Organisations concerned; identify the ways of involving the members of Parliament in conservation and augmentation of water resources in their respective States/Constituencies, and organise seminars/workshops to create awareness for conservation and efficient management of water. I have made it very clear that this Forum, in no way, will impinge upon the functioning of the Ministries or the Committees concerned. A preliminary meeting of the Forum was held on 8 August 2005, to discuss the broad guidelines regarding its functioning and ways and means to strengthen and further streamline it.

In this regard, we have also taken another initiative to facilitate exchange of views on issues of topical concern between the members of Parliament and subject experts in diverse fields through a Lecture Series. I feel that such interactions will not only enlighten the parliamentarians about various contemporary problems substantially impacting on the socio-economic fabric of our country, but will also help them in playing a proactive role in tackling these issues meaningfully. We have already had two such lectures, respectively, on *Water Conservation* and on the *Value Added Tax System* in the country.

As you are all well aware, two separate Dedicated Satellite Channels were launched on 14 December 2004, for the live telecast of the entire proceedings of the Rajya Sabha and the Lok Sabha nationwide.

Regarding the future of these channels is concerned, I am pleased to inform you that the Lok Sabha Channel is going to be a 24-hour, round-the-year channel, shortly, which will be run by the Lok Sabha Secretariat. In this regard, necessary arrangements are being made, both at the policy and the operational levels. This channel is expected to be fully operational by the Budget Session of 2006. We have been assured of full cooperation by the Rajya Sabha, and I am thankful to the Honourable Deputy Chairman for such an assurance.

At our New Delhi Conference of July 2005, I had informed you that pursuant to the recommendations of the Committee of Presiding Officers of Legislative Bodies on Telecasting of the Proceedings of Legislatures, we had approached the Planning Commission and the Union Ministry of Finance requesting them to meet the expenditure required for setting up infrastructure facilities for the live telecast of the proceedings of our Legislatures. According to the Planning Commission, a feasible formula should be devised for sharing fixed costs with a clear statement of recurring expenditure involved and initial funds required to start the Scheme. A feasibility Report is to be submitted by the Ministry of Information and Broadcasting. Accordingly, we have approached the Ministry of Information and Broadcasting to consider a proposal for including in the Plan Scheme of the Ministry for providing funds for telecasting the proceedings of our State Legislatures.

Coming to the subject at this Conference, we are going to discuss two important themes which have a very crucial bearing on our parliamentary democratic system. Undoubtedly, the subjects *viz.*, 'Poverty Alleviation–How the Parliament and Civil Society can Work in Tandem' and the 'Legislature and the Media–Roles and Responsibilities', I must stress, are indeed extremely relevant in the present day context.

As you all well know, the eradication of poverty continues to be one of the stupendous challenges before our country. In the enormous task of the elimination of poverty, governmental efforts alone will not be sufficient. It is here that the civil society can play a significant role.

Of course, the legislators are a key component in any programme aimed at the elimination of poverty. By their grass root experience, they can provide valuable inputs to the Government in addressing the challenge of poverty. They can also be of immense help in monitoring the implementation of various policies and programmes for the elimination of poverty. The legislators should endeavour ceaselessly to find creative ways in which they could work together with the civil society more effectively in this regard. The legislators and the civil society organisations can work in close understanding between them to mobilise and organise the poor to become active participants in the process of development and delivery services.

Through various procedural devices, discussions on policies and programmes and through the forum of Parliamentary Committees, our Parliament has been addressing the problem of poverty in the country. In this regard, it is worth mentioning that recently our Parliament passed the National Rural Employment Guarantee Bill which provides for the enhancement of livelihood security for the poor households in the rural areas by giving at least 100 days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work. I am sure that this landmark legislation is indeed a step in the right direction in mitigating poverty and it quite rightly got support from all the political parties. Governmental and legislative efforts need to be effectively supported and supplemented by the civil society groups by working in tandem so that we can eliminate poverty which, undoubtedly, is a threat to societal stability and democracy as well.

The second subject which we are going to discuss at the Conference is 'Legislature and the Media–Roles and Responsibilities'. Five decades after Independence, the challenges before our nation are indeed of a grave nature. The eradication of poverty, socio-economic injustice and regional disparities continue to be major problems we are still confronted with. As pivotal pillars of our political system, the Legislature and the Media can contribute meaningfully to the process of the socio-economic transformation of our country.

While the Legislature debates issues of governance and development and passes laws for the socio-economic betterment of the people, the

Media articulates people's urges, aspirations and concerns. It is in the Chambers of the Legislatures that the Government is held accountable for all its acts of commission and omission. In such a scenario, it becomes incumbent upon the Media to give a positive coverage about what is happening in our Legislative Bodies.

Freedom of the Press is inherent in the fundamental right to freedom of speech guaranteed under article 19(*1*)(*a*) of the Constitution. The Parliament itself has enacted the Parliamentary Proceedings (Protection of Publication) Act, 1977, providing the privilege of publishing substantially true proceedings in Parliament without being exposed to any civil or criminal action. Our Parliament has also been striving to provide adequate facilities to the Media to cover Parliament with the express purpose of bringing the supreme legislative institution nearer to the people.

The Media can play a positive role by respecting parliamentary privileges as also by not trivialising the substantial work being done in the legislative bodies. The Legislatures and the Media should be proactive partners in national development. As such, our Legislative Bodies and the Media should complement and supplement each other in facilitating an informed democracy.

Honourable Presiding Officers, I have been repeatedly stressing the point that the success, effectiveness and relevance of our democratic institution lies in its smooth functioning and the extent to which it adheres to the highest standards of discipline, dignity and decorum for discharging its functions. While engaged in this endeavour as the Presiding Officers, we should also seek to provide ample opportunities to the members to raise issues of importance on the floor of the Legislatures, of course, within the rules which we ourselves have framed for the purpose. In this regard, we have to constantly strive to nurture and nourish healthy traditions and sound conventions which have evolved over the decades. As the custodians of the rights and privileges of the legislators and of our legislative bodies as a whole, we have an onerous task before us. Conferences like these where we discuss common problems and share our experiences provide us with opportunities to fine-tune and further streamline the functioning of the legislative bodies, thus strengthening the parliamentary democratic structures we have built up so assiduously. I trust that this Seventieth Conference will be a major milestone in our march forward.

Before I conclude, I would like to place on record our deep appreciation and hearty thanks to our hosts, the Honourable Chief Minister of Chhattisgarh, the Honourable Speaker and the Honourable Deputy Speaker of Chhattisgarh

Legislative Assembly, the Secretary of the Assembly and his colleagues, the Government of Chhattisgarh and all those associated with the organisation of this Conference here for the excellent arrangements and, of course, for their remarkable hospitality.

With these words, I am immensely pleased to inaugurate the 70th Conference of Presiding Officers of Legislative Bodies in India.

Thank you very much for your patience.

2

ADDRESS BY THE SPEAKER, LOK SABHA, SHRI SOMNATH CHATTERJEE AT THE SYMPOSIUM ON "ROLE OF MEMBER AS AN INTERMEDIARY BETWEEN CITIZENS AND THE GOVERNMENT"

A Symposium on "Role of member as an Intermediary between the Citizens and the Government" was held at Raipur on 17 November 2005, after the Seventieth Conference of Presiding Officers of Legislative Bodies in India.

We reproduce below the text of the Address delivered by the Speaker, Lok Sabha, Shri Somnath Chatterjee at the Symposium.

—Editor

Honourable Chief Minister of Chhattisgarh, Dr. Raman Singh, who has been our colleague in Parliament, and a very valuable colleague for that matter, and a very efficient Minister also; Honourable Speaker, Chattisgarh Vidhan Sabha, Shri Prem Prakash Pandey; Honourable Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan, My Esteemed Colleague, Honourable Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal; Honourable Presiding Officers of State Legislatures; Honourable Ministers, Members of Parliament and Legislators; Secretaries-General of Lok Sabha and Rajya Sabha; Secretaries of Legislative Bodies and Ladies and Gentlemen:

I am happy to be here this morning at the Symposium being held on an important subject namely, '*Role of Member as an Intermediary between Citizens and the Government*'. I join the Honourable Chief Minister of Chhattisgarh and Honourable Speaker, Chhattisgarh Vidhan Sabha, in welcoming you all to the Symposium.

I wish to thank the honourable Chief Minister and the honourable Speaker for organising this Symposium in this beautiful hall named after one of the great leaders of our country, Dr. Syama Prasad Mookerjee. I wish to thank them for their instructive and thought-provoking Addresses on a very vital matter.

There are certain issues which are fundamental for us, fundamental for the governance of this country, fundamental for the proper functioning of the Legislatures, which are the most important public fora in our

country, and that we should above petty politics. Politics is important, but there are certain fundamental issues on which we should rise above the differences and try to solve them for the benefit of the country as a whole.

The theme of the Symposium presents us with an ideal opportunity to explore the dynamics of the diverse roles of the members of our Legislative Bodies and make an objective assessment of the contribution they can make towards the overall socio-economic and political development of our nation.

In a parliamentary democracy, the Legislatures articulate the will of the people. Naturally, the legislators, as the people's representatives act as the closest intermediaries between the people and the Legislature on the one hand and between the people and the Government on the other, which provides a complex mix of challenges and opportunities. To effectively serve as the representatives of the people, members have to decide how they can meet the multifarious demands of individuals and those of the constituency as a whole; and what strategies they should devise to use the existing legislative mechanisms and devices to raise issues inside the House for solutions. The crucial task before them is to reconcile their constituency-specific commitments with the wider goals before the country.

In this context we must bear in mind the broadening gamut of Executive action, the changing size and composition of the electorate and their behaviour and the defining role of technology. In our country, the range and complexity of legislations and policy commitments arising out of our distinct socio-economic problems have brought forth a fundamental change in our political environment and our members function under testing conditions.

There are bound to be differences on various issues of local, regional and national importance. As such, a legislator has to keep the same in mind in making optimum use of the available opportunities and participate effectively in the legislative, financial and other business before the House and he has to try to reconcile differing perceptions and opinions. A healthy member-constituents relationship and its right projection in legislative proceedings strengthen the edifice of democracy. A member is in an ideal position to use his grass-root knowledge and understanding to mould the contents of public policy, and contribute to the legislative process by overseeing the performance of the Government. In this context, our Legislative Bodies have evolved a number of procedural devices, which a member may put to the best use to raise people's

demands in the House and ensure that these are accommodated in public policy.

We are all conscious of the fact that the time of the House is most precious and it should be utilised meaningfully and optimally. The procedural trends have a bearing on our efforts to discuss people's issues in the House, and impose a collective responsibility upon us to accord due regard to various practices and procedures which have been developed over the years for the effective and smooth functioning of the House.

Development poses the primary challenge to the legislators. The pre-eminence of economic activity in the development of various sectors of society makes it imperative to strengthen the link between the citizens and their representatives. Members are closely associated with economic processes because it is on the floor of the House that the policies and programmes of the Government are given shape. As such, it is necessary that the members keep themselves posted about the objectives behind various initiatives of the Executive, influence legislative proposals containing developmental measures and contribute effectively to the subsequent implementation process as well. It is also necessary that the people are engaged in a continuous dialogue to facilitate inputs from them into the developmental programmes and projects.

We have evolved a series of procedural mechanisms for members to further strengthen their bond with their electorate, like the elaborate system of Committees, more notably the Financial Committees and the Departmentally-Related Standing Committees. As you know, in view of the paucity of time, it may not be possible for the Presiding Officers to accommodate the large number of eager participants in the proceedings of the House. In such a situation, the various Committees offer scope for the serious members to contribute to the discussions on the developmental process and socio-economic transformation of the society. As an instrument of ensuring transparency and accountability in administration, these Committees facilitate a close scrutiny of various policies and programmes, and, thereby, promote the interests of the people at large. Of course, the Member of Parliament Local Area Development Scheme has been envisaged as an effective mechanism to enable the members to address developmental needs at the micro level in their constituencies, but the scheme requires to be looked into in all its aspects, as several deficiencies have been pointed out recently.

My humble experience of three-and-a-half decades shows that in the Committees, members do not function in a partisan manner and

they try to evolve a consensus. In my capacity as Chairman of several Committees, over the years, I have submitted over 200 reports and I have seen that except one they have been all unanimous.

The Parliamentary Committees invite memoranda from the citizens and the civil society with regard to issues being examined by them. The Committees are also offering opportunities to the concerned citizens to appear before them and put forth their suggestions. Such procedural innovations provide opportunities for an interface between the legislators and the citizens on the one hand and the legislators and the Government on the other.

Friends, good governance presupposes just and dignified living conditions for all citizens. It also warrants that administrative authority is exercised for the overall socio-economic and political development of the people as a whole. In such a scenario the legislators can help to create a healthy environment, facilitate broad consensus on complex issues, and lead from the front for the socio-economic emancipation of the people. In fact, the success and future of our democratic system will depend on how effectively we anticipate the social needs of various segments of our population, mould the existing social structures and re-awaken social consciousness of our people. It is, actually, on the floor of the House that the primary processes for legislation ensuring social change are set in motion.

A legislator is also an educator who can effectively raise the level of political consciousness of the people. By virtue of his special position as the community leader, he can help in moulding public opinion, mobilizing people to support or oppose a particular idea or initiative, and in sensitising them about various governmental programmes and policies.

The role of members in conflict resolution in the society can hardly be over-emphasised. Resource constraints and regional disparities in terms of economic development are some crucial aspects which we all have to confront as elected representatives.

Our Legislative Bodies also act as channels of communication between the people and the Government, where members play the pivotal role of both motivators and facilitators. It is through this interaction that the Government comes to know about diverse and differing perceptions on its policies and programmes, more notably on those which directly impinge on developmental concerns.

The socio-economic transformation which we are witnessing in our country today has brought forth various opportunities and challenges, which have to be effectively utilised and managed by all concerned.

Ours is a welfare State which is committed to the common and larger good of the people. It is natural, therefore, that a number of welfare schemes have been designed to transfer the benefits of socio-economic development to the people. In many cases, the benefits are cornered by intermediaries, depriving the people of the fruits of development. A member's role in this process becomes very vital since he is the most accessible link that the people have for airing their grievances.

In recent times, various developments like televising and webcasting of parliamentary proceedings, computerisation of library and information management, video conferencing and other technological innovations have impacted on the role of members. Technology has, in fact, strengthened the position of the citizens as well, and they can now evaluate the performance of their representatives more closely and regularly, give their opinion on crucial issues, and if necessary, form pressure groups to air their concerns on issues affecting or likely to affect them.

The need for enabling the citizens to have access to information about public affairs on a statutory basis has culminated in the passage by our Parliament of the Freedom of Information Act, 2002. It is testimony to the inherent strength of our democratic system that it has been made obligatory for every public authority to provide information and to maintain all records consistent with its operational requirements, duly catalogued, indexed and published at prescribed intervals. Going a step further, our Parliament passed the Right to Information Act, in May 2005, providing the right to information for our citizens so that they could secure access to information under the control of public authorities. These developments also require that a member should be vigilant and equip himself with the latest, non-partisan and well-processed information to withstand enormous pressure arising out of the growing expectations of the people. All in all, it is of utmost importance that our legislators perform their pivotal role as an intermediary between the citizens and the Government in a very purposive and meaningful way.

With these words, let me once again welcome you all to the Symposium. I hope the deliberations at the Symposium will be fruitful and give a definitive direction to our legislators to strengthen their link with the people.

Once again I thank you for your kind presence; honourable Chief Minister, honourable Speaker, honourable Deputy Speaker and other dignitaries for your kind participation in this important Symposium and for the invitation extended to me to participate in the same.

Thank you very much.

3

UNVEILING OF THE STATUE OF GURUDEV RABINDRANATH TAGORE IN PARLIAMENT LIBRARY BUILDING

The statue of Gurudev Rabindranath Tagore was unveiled by the Prime Minister, Dr. Manmohan Singh on 7 December 2005 in the Parliament Library Building.

The statue of Gurudev Rabindranath Tagore, six and a half ft. tall, was sculpted by the well-known sculptor, Shri Gautam Pal for the Lok Sabha Secretariat.

The unveiling of the statue of Gurudev Rabindranath Tagore was attended, among others by the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the UPA, Smt. Sonia Gandhi; the Leader of the House in the Lok Sabha and Minister of Defence, Shri Pranab Mukherjee; the Leader of the Opposition in the Lok Sabha, Shri L.K. Advani; Union Ministers including the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri Priyaranjan Dasmunsi; the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; the Deputy Speaker, Lok Sabha, Shri Charnjit Singh Atwal; members of Parliament; and former members of Parliament and other dignitaries.

An Exhibition titled "*Gurudev Rabindranath Tagore: Glimpses of His Life and Times*" was set up by the Parliamentary Museum and Archives (PMA) of the Lok Sabha Secretariat in collaboration with the Directorate of Advertising and Visual Publicity (DAVP) in the Parliament Library Building. The dignitaries also had a glimpse of the Exhibition on the occasion.

The unveiling was followed by a Cultural Programme in Bengali, Hindi and English, based on Tagore's poems, presented by the students and faculty of the Vishva Bharati University, Shantiniketan, in the G.M.C. Balayogi Auditorium, Parliament Library Building.

Dignitaries after the unveiling of the Statue of Gurudev Rabindranath Tagore
in the Parliament Library Building

गुरूदेव रवीन्द्रनाथ टैगोर
उनके जीवनकाल की झलकियाँ
चित्र प्रदर्शनी
GURUDEV RABINDRANATH TAGORE
GLIMPSES OF HIS LIFE AND TIMES
PHOTO EXHIBITION

PARLIAMENTARY EVENTS AND ACTIVITIES

CONFERENCES AND SYMPOSIA

The 113th Assembly of the Inter-Parliamentary Union at Geneva, Switzerland: The 113th Assembly of the Inter-Parliamentary Union was held at Geneva, Switzerland, from 17 to 19 October 2005.

The Indian Parliamentary Delegation to the Assembly was led by the Speaker, Lok Sabha, Shri Somnath Chatterjee. The other members of the Delegation were: the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; Shri Ajit Singh; Shri Mohammad Salim; Dr. Laxminarayan Pandey; Smt. Hema Malini and Smt. Daggubati Purandeswari, all members of Parliament; the Secretary-General, Lok Sabha, Shri P.D.T. Achary; the Secretary-General, Rajya Sabha, Dr. Yogendra Narain; and the Special Advisor and former Secretary-General, Lok Sabha, Shri G.C. Malhotra. Shri S. Bal Shekar, Joint Secretary, Lok Sabha Secretariat was the Secretary to the Delegation.

The Assembly held deliberations on the following subjects and adopted resolutions thereon:

- The respective roles of Parliament and the Media in providing the public with impartial, accurate and verifiable information, especially on armed conflicts and the struggle against terrorism (Committee on Peace & International Security);
- Migration and Development (Committee on Sustainable Development, Finance and Trade);
- The importance of civil society and its interplay with Parliaments and other democratically elected Assemblies for the maturing and development of democracy (Committee on Democracy and Human Rights); and
- Natural Disasters: The role of Parliaments in prevention, rehabilitation, reconstruction and the protection of vulnerable groups (Adopted as Emergency Item)

Smt. Daggubati Purandeswari, MP, represented India on the drafting Committee on the Agenda item "Migration and Development".

The Hong Kong Session of the Parliamentary Conference on the

WTO at Hong Kong: The Hong Kong Session of the Parliamentary Conference on the WTO was held at Hong Kong, from 12 to 15 December 2005.

Shri Rupchand Pal, MP attended the Session as the member of the Steering Committee of the Inter-Parliamentary Union. The participants deliberated on the following themes and adopted a Declaration at the end of the Session:

- Completing the Doha Development Agenda; and
- Coherence between Trade Policy and other Public Policy Challenges.

The Second India and Asia Regions Commonwealth Parliamentary Association Conference in New Delhi: The Second India and Asia Regions Commonwealth Parliamentary Association Conference, hosted by the India Union CPA Branch, was held at New Delhi from 16 to 20 December 2005.

The Conference was inaugurated by the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat on 17 December 2005. At the Inaugural Function, the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan, delivered the Welcome Address. Besides, the Union Minister of Parliamentary Affairs and Information and Broadcasting, Shri Priyaranjan Dasmunsi; the Chairman, Executive Committee, CPA, Shri Hashim Abdul Halim; the Chairman, Executive Committee of the CPA Asia Region, Mr. Mohammedmian Soomro; the Speaker, Lok Sabha and Chairman, Executive Committee of the CPA India Region, Shri Somnath Chatterjee also addressed the august gathering. The Deputy Speaker, Lok Sabha, Shri Charnjit Singh Atwal, extended the Vote of Thanks.

The Conference was also attended by the Speaker of Sri Lankan Parliament, Mr. W.J.M. Lokubandara; Presiding Officers of the State Assemblies, Members of the Senate of Pakistan, Members of the Executive Committee of both Asia and India Regions; Members of Parliament; Members of Legislative Assemblies and Secretaries of CPA Branches of Asia and India Regions. About 120 Delegates, Observers and Secretaries from 39 Branches of India and Asia Regions attended the Conference.

Sarvashri Madhusudan Mistry, Ravi Shankar Prasad and M.A. Kharabela Swain, all members of Parliament, attended the Conference as delegates of the India Union Branch of the CPA.

During the Conference, two Plenary Sessions *viz.* (i) 'Tackling Natural Disasters in the Region—Need for Synergic Efforts among the Nations of the Region' and (ii) 'Tackling the Problems of Development facing Children and the Role of Parliaments' were held. The Key Note Addresses on these Subjects were delivered by the Minister of Home Affairs, Shri Shivraj V. Patil and the Minister of Human Resource Development, Shri Arjun Singh, respectively. The discussions were intensive, wide-ranging and there was convergence of views on both the themes.

On 18 December 2005, the Speaker, Lok Sabha, Shri Somnath Chatterjee delivered the Valedictory Address and the Conference concluded thereafter.

The 70th Conference of Presiding Officers of Legislative Bodies in India: The 70th Conference of Presiding Officers of Legislative Bodies in India, hosted by the Chhattisgarh Vidhan Sabha, was held at Raipur on 15 and 16 November 2005. The Speaker, Lok Sabha and Chairman of the Conference, Shri Somnath Chatterjee presided over the Conference. The Speaker, Chhattisgarh Vidhan Sabha, Shri Prem Prakash Pandey, was elected as the co-Chairman of the Conference. The Conference was attended by almost all the Presiding Officers of the Legislative Bodies in India.

The Conference discussed/considered the following items on the Agenda:

- Poverty Alleviation–How the Parliament and Civil Society can work in tandem?
- The Legislature and the Media–Roles and Responsibilities.

The Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan and the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal also attended the Conference and participated in the discussions.

Address by the Speaker, Lok Sabha: On a request received from the Chhattisgarh Vidhan Sabha, the Speaker, Lok Sabha, Shri Somnath Chatterjee addressed the members of the Chhattisgarh Vidhan Sabha in the Vidhan Sabha Chamber on 15 November 2005 in the afternoon. A large number of MLAs, including the Chief Minister of Chhattisgarh Dr. Raman Singh and his cabinet colleagues were present on the occasion.

Symposium on "Role of Member as an Intermediary between the Citizens and the Government": The Conference of Presiding Officers of

Legislative Bodies in India was followed by a Symposium on "Role of Member as an Intermediary between the Citizens and the Government" on 17 November 2005. The Symposium was inaugurated by the Chief Minister of Chhattisgarh, Dr. Raman Singh. The Speaker, Lok Sabha, Shri Somnath Chatterjee also addressed and presided over the Symposium. The Speaker, Chhattisgarh Vidhan Sabha, Shri Prem Prakash Pandey, delivered the Welcome Address. The Symposium was attended by a large number of Presiding Officers; Member of Parliament, Smt. Karuna Shukla; and Ministers and Members of the Chhattisgarh Vidhan Sabha.

The Forty-ninth Conference of the Secretaries of Legislative Bodies in India: The Conference of the Presiding Officers of Legislative Bodies in India was preceded by the Forty-ninth Conference of the Secretaries of Legislative Bodies in India on 14 November 2005. The Secretary-General, Lok Sabha and Chairman of the Conference, Shri P.D.T. Achary delivered the Inaugural Address. The Secretary-General, Rajya Sabha, Dr. Yogendra Narain also addressed the Conference. The Secretary, Chhattisgarh Vidhan Sabha, Shri Devendra Verma, delivered the Welcome Address. The Secretaries of almost all the State/Union territory Legislatures attended the Conference.

Conference of Chairmen of Committees on Subordinate Legislation of Parliament and State/UT Legislatures: A Conference of Chairmen of Committees on Subordinate Legislation of Parliament and State/UT Legislatures was held at New Delhi on 4 October 2005. The Conference was inaugurated by the Speaker, Lok Sabha, Shri Somnath Chatterjee in the Parliament Annexe, New Delhi. The Chairman, Committee on Subordinate Legislation, Lok Sabha and Chairman of the Conference, Shri N.N. Krishnadas presided over the Conference. The Chairman, Committee on Subordinate Legislation, Rajya Sabha, Shri A. Vijayaraghavan was co-Chairman of the Conference. The Chairmen of Committees on Subordinate Legislation of almost all the State/UT Legislatures participated in the Conference.

The following subjects were discussed at the Conference:

- The rules should be self-contained and legislation by reference should be scrupulously avoided;
- Generally "Orders" are enforceable from the date of their publication in the official gazette. Whether the laying before Parliament or scrutiny/clearance by the Committee on Subordinate Legislation can be made mandatory before enforcing any "Order"; if so, to what extent?;

- Need for a mechanism for prior scrutiny of rules by the appropriate Subject Committee/Legislature before the rules come into operation;
- Compulsory provision for framing rules, regulations, etc. under an Act within a specified time as also for laying before Legislature;
- What should be the schedule or time frame within which the subordinate legislation contemplated under any statute should be framed?;
- Whether any provision is required to be made in the General Clauses Act or any other law for framing of rules, regulations, etc. within a fixed period from the date of enactment of a legislation?;
- Considerable delay in framing of Rules by the Executive;
- Whether the Legislative Assembly is competent to modify or amend any regulation/code framed by the State Regulatory Commission in pursuance of the provision of an Act of the Parliament?;
- Whether a minimum time limit is required to be fixed for giving notices of amendment by the members to any statutory rules framed under delegated powers of legislation before completion of its period of laying?;
- Whether a specific time can be fixed for consideration of amendment to statutory rules, etc., once only during its total period of laying/re-laying?;
- Compulsory provision for sending the action taken notes on the recommendation of the Committee within a specific period;
- What mechanism should be put in place to enable the Committee on Subordinate Legislation to examine provisions of Bills (i) which seek to delegate powers to make Order; or (ii) amend earlier Acts delegating such powers, with a view to seeing whether suitable provisions for the laying of the Orders before the Council have been provided therein;
- Some statutes give a free hand to statutory bodies to regulate their affairs through regulations, etc. Whether it is appropriate under a legislation to vest complete authority in a statutory body to frame and implement subordinate legislation independent of any vetting/monitoring by the Central Government?

The Minister of State in the Ministry of Law and Justice, Shri K. Venkatapathy also addressed the Conference during the post lunch session.

BIRTH ANNIVERSARIES OF NATIONAL LEADERS

On the birth anniversaries of national leaders whose portraits adorn the Central Hall of Parliament House, functions are organized under the auspices of the Indian Parliamentary Group (IPG) to pay tributes. Booklets containing profiles of these leaders, prepared by the Library and Reference, Research, Documentation and Information Service (LARRDIS) of the Lok Sabha Secretariat are brought out on the occasion.

The birth anniversaries of the following leaders were celebrated during the period from 1 October to 31 December 2005.

Mahatma Gandhi and Shri Lal Bahadur Shastri: On the occasion of the birth anniversaries of Mahatma Gandhi and Shri Lal Bahadur Shastri, a function was held on 2 October 2005. The Prime Minister of India, Dr. Manmohan Singh; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; the Leader of the Opposition in Rajya Sabha, Shri Jaswant Singh; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; members of Parliament; and former members of Parliament and others paid floral tributes.

Sardar Vallabhbhai Patel: On the occasion of the birth anniversary of Sardar Vallabhbhai Patel, a function was held on 31 October 2005. The Prime Minister of India, Dr. Manmohan Singh; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Urban Development, Shri Ghulam Nabi Azad; the Minister of State (Independent Charge) without Portfolio, Shri Oscar Fernandes; the Minister of State in the Ministry of Chemicals & Fertilizers and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; the Minister of State in the Ministry of Home Affairs, Shri Manikrao Gavit; the Minister of State in the Ministry of Social Justice & Empowerment, Smt. Subbulakshmi Jagadeesan; members of Parliament; and former members of Parliament and others paid floral tributes.

Deshbandhu Chittaranjan Das: On the occasion of the birth anniversary of Deshbandhu Chittaranjan Das, a function was held on 5 November 2005. Members of Parliament and former members of Parliament and others paid floral tributes.

Maulana Abul Kalam Azad: On the occasion of the birth anniversary

of Maulana Abul Kalam Azad, a function was held on 11 November 2005. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri; members of Parliament; and former members of Parliament and others paid floral tributes.

Pandit Jawaharlal Nehru: On the occasion of the birth anniversary of Pandit Jawaharlal Nehru, a function was held on 14 November 2005. The Prime Minister of India, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri Priyaranjan Dasmunsi; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri; members of Parliament; and former members of Parliament and others paid floral tributes.

Smt. Indira Gandhi: On the occasion of the birth anniversary of Smt. Indira Gandhi, a function was held on 19 November 2005. The Prime Minister of India, Dr. Manmohan Singh; the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the House and Minister of Defence, Shri Pranab Mukherjee; the Leader of the Opposition, Lok Sabha, Shri L.K. Advani; the Minister of Home Affairs, Shri Shivraj V. Patil; the Minister of Law and Justice, Shri H.R. Bhardwaj; the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri Priyaranjan Dasmunsi; the Minister of Social Justice and Empowerment, Smt. Meira Kumar; the Deputy Chairman, Rajya Sabha, Shri K. Rahman Khan; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri; the Minister of State in the Ministry of Chemicals & Fertilizers and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; the Minister of State in the Ministry of Finance, Shri S.S. Palanimanickam; members of Parliament; and former members of Parliament and others paid floral tributes.

Dr. Rajendra Prasad: On the occasion of the birth anniversary of Dr. Rajendra Prasad, a function was held on 3 December 2005. The

Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Minister of State in the Ministry of Rural Development and Minister of State in the Ministry of Parliamentary Affairs, Smt. Suryakanta Patil; members of Parliament; and former members of Parliament and others paid floral tributes.

Shri C. Rajagopalachari: On the occasion of the birth anniversary of Shri C. Rajagopalachari, a function was held on 10 December 2005. The Speaker, Lok Sabha, Shri Somnath Chatterjee; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri; the Minister of State in the Ministry of Chemicals and Fertilizers and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; members of Parliament; and former members of Parliament and others paid floral tributes.

Chaudhary Charan Singh: On the occasion of the birth anniversary of Chaudhary Charan Singh, a function was held on 23 December 2005. The Chairperson of the United Progressive Alliance, Smt. Sonia Gandhi; the Leader of the Opposition in Lok Sabha, Shri L.K. Advani; the Minister of Parliamentary Affairs and Minister of Information and Broadcasting, Shri Priyaranjan Dasmunsi; the Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Ministry of Parliamentary Affairs, Shri Suresh Pachauri; the Minister of State in the Ministry of Chemicals and Fertilizers and Minister of State in the Ministry of Parliamentary Affairs, Shri B.K. Handique; members of Parliament, and former members of Parliament and others paid floral tributes.

Pandit Madan Mohan Malaviya: On the occasion of the birth anniversary of Pandit Madan Mohan Malaviya, a function was held on 25 December 2005. Members of Parliament, and former members of Parliament and others paid floral tributes.

EXCHANGE OF PARLIAMENTARY DELEGATIONS

FOREIGN PARLIAMENTARY DELEGATIONS VISITING INDIA

United Kingdom: A 7-member British Parliamentary Delegation led by Lord Paul of Marylebone, visited India from 8 to 16 October 2005.

On 10 October 2005, the Delegation called on the President of India, Dr. A.P.J. Abdul Kalam, the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat and the Deputy Chairman,

Rajya Sabha, Shri K. Rahman Khan. The Deputy Chairman, Rajya Sabha hosted lunch in honour of the Delegation the same day. The Delegation had a meeting with the India-United Kingdom Parliamentary Friendship Group. Later in the evening, Shri Gurudas Kamat, MP and President, India-United Kingdom Parliamentary Friendship Group hosted a dinner in honour of the Delegation.

On 11 October 2005, the Delegation called on the Speaker, Lok Sabha, Shri Somnath Chatterjee. The Speaker, Lok Sabha hosted a banquet in honour of the visiting Delegation the same evening.

On 14 October 2005, the Delegation called on the Minister of Defence, Shri Pranab Mukherjee; the Minister of Home Affairs, Shri Shivraj V. Patil; and the Minister of State in the Ministry of External Affairs, Shri E. Ahamed. The Delegation had a Luncheon meeting with the Deputy Speaker, Lok Sabha, Sardar Charnjit Singh Atwal the same day.

Besides Delhi, the Delegation visited Agra, Jaipur, Mumbai and Charkhi Dadri (Haryana).

Uzbekistan: A 6-member Parliamentary Delegation led by the Speaker of Legislative Chamber of the Parliament of Uzbekistan, Mr. Erkin Khalilov, visited India from 22 to 24 November 2005.

On 22 November 2005, the Delegation called on the Speaker, Lok Sabha, Shri Somnath Chatterjee; the Vice-President of India and Chairman, Rajya Sabha, Shri Bhairon Singh Shekhawat and the Minister of State in the Ministry of External Affairs, Shri E. Ahamed. The Speaker, Lok Sabha hosted a banquet in honour of the Delegation the same evening.

Besides Delhi, the Delegation visited Agra.

BUREAU OF PARLIAMENTARY STUDIES AND TRAINING

During the period from 1 October to 31 December 2005, the Bureau of Parliamentary Studies and Training (BPST) organized the following courses/programmes:

Lecture Series for Members of Parliament: As part of the Lecture Series for members of Parliament, which was started during the Fifth Session of the Fourteenth Lok Sabha, the following Lecture Sessions were organized:

(i) Lecture on "Children's Development: Challenges Facing India"

by Ms. Anne Veneman, Executive Director, UNICEF, held on 9 December 2005, attended by 50 members of Parliament; and

(ii) Lecture on "Right to Information as an Instrument for Rural Development", by Ms. Aruna Roy, Mazdoor Kisan Shakti Sanghathan, held on 15 December 2005, attended by 32 members of Parliament.

Appreciation Courses: Two Appreciation Courses were organized for: (i) Audit Officers of the Office of the Comptroller and Auditor General of India, attended by 65 participants; and (ii) Probationers of Indian Police Service, attended by 88 participants.

International Programmes: The 21st Parliamentary Internship Programme (PIP) for foreign parliamentary officials was conducted from 13 October to 1 December 2005 which was attended by 46 participants from 24 countries.

The 21st International Training Programme in Legislative Drafting was conducted by the Bureau from 8 December 2005 to 10 February 2006. The course was attended by 36 participants, 26 from 16 countries and 10 from India.

Training Programmes: During the period, Training Programmes were organized for: (i) Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats dealing with Questions, Legislation and Budget from 3 to 7 October 2005, attended by 41 participants; (ii) Officials of Lok Sabha, Rajya Sabha and State Legislature Secretariats working in Research and Information Service from 13 to 17 October 2005, attended by 29 participants; and (iii) Librarians of the State Legislature Secretariats and Library officials of Lok Sabha and Rajya Sabha Secretariats from 5 to 9 December 2005, attended by 18 participants.

Study Visits: Ten Study Visits for the benefit of students/trainees/ officers of various institutions/organizations were conducted during the period. A total of 385 participants attended these visits.

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PARLIAMENTARY AND CONSTITUTIONAL DEVELOPMENTS

(1 OCTOBER TO 31 DECEMBER 2005)

Events covered in this Feature are based primarily on reports appearing in the daily newspapers and, as such, the Lok Sabha Secretariat does not accept any responsibility for their accuracy, authenticity or veracity.

—Editor

INDIA

DEVELOPMENTS AT THE UNION

Winter Session of Parliament: The Sixth Session of the Fourteenth Lok Sabha and the Two Hundred and Sixth Session of the Rajya Sabha commenced on 23 November 2005. Both the Houses of Parliament were adjourned *sine die* on 23 December 2005. The President, Dr. A.P.J. Abdul Kalam prorogued the two Houses on 28 December 2005.

Resignation of Lok Sabha Member: On 10 October 2005, Shri P.A. Sangma of the All India Trinamool Congress (AITC) resigned from his Tura (Meghalaya) Lok Sabha Constituency.

Death of Lok Sabha Member: On 21 October 2005, Shri Prakash V. Patil of Indian National Congress (INC), member of the Lok Sabha from Sangli (Maharashtra), passed away.

Resignation of Union Minister: On 6 November 2005, the Minister of State for Water Resources, Shri Jay Prakash Narayan Yadav resigned from the Council of Ministers.

Union Minister Relieved of Portfolio: On 7 November 2005, on the recommendation of the Prime Minister Dr. Manmohan Singh, the President Dr. A.P.J. Abdul Kalam relieved Shri K. Natwar Singh of the portfolio of Minister of External Affairs. Shri Natwar Singh would remain Minister without Portfolio in the Council of Ministers.

Death of Former President: On 9 November 2005, former President of India, Shri K.R. Narayanan passed away in New Delhi. He was 85.

Resignation of Rajya Sabha Member: On 10 November 2005, Shri M. Rajsekhar Reddy, BJP member of the Rajya Sabha from Karnataka, resigned his seat.

Lok Sabha By-Election Results: Shri Pannian Ravindran of the Communist Party of India (CPI) was declared elected to the Lok Sabha *w.e.f.* 22 November 2005, from Thiruvananthapuram Constituency (Kerala), by-election for which was held on 18 November 2005.

Shrimati Priya Sunil Dutt of the Indian National Congress (INC) was declared elected to the Lok Sabha *w.e.f.* 22 November 2005, from Mumbai North West Constituency (Maharashtra), by-election for which was held on 19 November 2005.

Retirement of Rajya Sabha Members: On 21 November 2005, on the completion of their terms, four nominated members of the Rajya Sabha retired. The members are Sarvashri Fali S. Nariman, Cho S. Ramaswamy, Nana Deshmukh, and Ms. Lata Mangeshkar.

Resignation of Union Minister: On 6 December 2005, the Minister without Portfolio Shri K. Natwar Singh resigned from the Cabinet.

Death of Rajya Sabha Member: On 18 December 2005, Shri P.M. Sayeed, Indian National Congress (INC) member of the Rajya Sabha from NCT of Delhi, passed away.

Termination of Membership of Lok Sabha Members: On 12 December 2005, the Lok Sabha constituted a Committee to inquire into the allegations of improper conduct on the part of some members. The Committee submitted its Report to the Speaker, Lok Sabha, on 21 December 2005, which was Laid on the Table of the House on 22 December 2005. On 23 December 2005, consequent upon the adoption of a Motion moved by the Leader of the House in the Lok Sabha, Shri Pranab Mukherjee on the Report of the Committee, the Lok Sabha by voice vote expelled following ten members from the membership of the House *w.e.f.* 23 December 2005 afternoon: Sarvashri Pradeep Gandhi, Rajnandgaon (Chhattisgarh); Suresh Chandel, Hamirpur (Himachal Pradesh); Babasaheb Chandra Pratap Singh, Sidhi (Madhya Pradesh); Annasaheb M.K. Patil, Erandol (Maharashtra); and Y.G. Mahajan, Jalgaon (Maharashtra); all of the Bharatiya Janata Party (BJP); Lal Chandra, Robertsganj (Uttar Pradesh); Narendra Kumar Kushwaha, Mirzapur (Uttar Pradesh); and Raja Ram Pal, Bilhaur (Uttar Pradesh), all of the Bahujan Samaj Party (BSP); Ramsevak Singh, Gwalior (Madhya Pradesh) of the Indian National Congress (INC); and Manoj Kumar, Palamu (Jharkhand) of the Rashtriya Janata Dal (RJD).

Termination of Membership of Rajya Sabha Member: On 23 December 2005, accepting the recommendation of the Seventh Report of the Committee on Ethics, Rajya Sabha terminated the membership of Dr. Chhatrapal Singh Lodha, a BJP member from Orissa.

AROUND THE STATES

ANDHRA PRADESH

By-Election Result: Shri Chittemram Mohan Reddy of the Indian National Congress (INC) was declared elected from Makthal Assembly constituency, by-election for which was held on 10 December 2005.

BIHAR

Dissolution of State Legislative Assembly Unlawful, Ruled Supreme Court: On 7 October 2005, the Supreme Court declared as unlawful the decision of the Bihar Governor, Shri Buta Singh to dissolve the State Legislative Assembly on 23 May 2005. The Court, however, decided not to revoke the dissolution of the House and not to interfere in the elections to the State Legislative Assembly.

Assembly Election Results: Elections to the State Legislative Assembly were held in four phases on 18 October, 26 October, 13 November and 19 November 2005. The party position following the elections is as follows: Total seats: 243; Janata Dal (United) JD (U): 88; Bharatiya Janata Party (BJP): 55; Rashtriya Janata Dal (RJD): 54; Lok Jan Shakti Party (LJSP): 10; Indian National Congress (INC): 09; Communist Party of India (Marxist-Leninist) (Liberation): 05; Bahujan Samaj Party (BSP): 4; Communist Party of India (CPI): 03; Samajwadi Party (SP): 02; Communist Party of India (Marxist) (CPI-M): 01; Nationalist Congress Party (NCP): 01; Akhil Jan Vikas Dal (AJVD): 01; and Independents: 10.

New Government Sworn in: On 24 November 2005, the NDA Government headed by Shri Nitish Kumar of the Janata Dal (United) was sworn in. Shri Sushil Kumar Modi of the BJP was sworn in as the Deputy Chief Minister. Along with them, fifteen Cabinet Ministers and ten Ministers of State (Independent Charge) also took oath of office. Within hours of been sworn in as the Cabinet Minister, Shri Jiten Ram Manjhi resigned at the behest of the Chief Minister.

Portfolios Allocated: On 26 November 2005, the Chief Minister Shri Nitish Kumar allocated portfolios to the members of his Council of Ministers. The names of the Cabinet Ministers along with their portfolios are as follows: Shri Nitish Kumar, *Chief Minister, Home, Personnel &*

Administrative Reforms; Shri Sushil Kumar Modi, *Deputy Chief Minister, Finance, Animal Husbandry & Fisheries, Mines and Geology, Labour Employment & Training, Institutional Finance & Programme Implementation;* Sarvashri Nand Kishore Yadav, *Road Construction and Tourism*; Chandra Mohan Rai, *Health, Family Welfare & Medical Education*; Ashwini Kumar Choubey, *Urban Development;* Prem Kumar, *Public Health & Engineering;* Janardan Sigriwal, *Youth, Art and Culture;* Ramashray Prasad Singh, *Water Resources Development, Parliamentary Affairs*; Narendra Singh, *Agriculture*; Vijayendra Prasad Yadav, *Energy;* Vrishin Patel, *Human Resource Development, Secondary Education;* Monajir Hassan, *Building Construction & Housing*; Ramnath Thakur, *Revenue and Land Reforms*; Vaidyanath Prasad Mahto, *Rural Development*; Narendra Narayan Yadav, *Rural Development, Panchayati Raj, Rural Engineering*; and Smt. Sudha Shrivastava, *Excise and Prohibition.*

The names of the Ministers of State (Independent Charge) along with their portfolios are: Sarvashri Ajit Kumar, *Transport*; Gautam Singh, *Industries*; Vishwa Mohan Kumar, *Minor Irrigation*; Arjun Rai, *Information & Public Relations*; Nitish Mishra, *Sugarcane*; Manjar Alam, *Minority Welfare*; Ramji Rishidev, *Co-operation*; Ram Chandra Sahni, *Environment & Forests*; Dr. Anil Kumar, *Science & Technology;* and Smt. Suchitra Devi, *Food, Supply & Commerce.*

Expansion of Cabinet: On 27 November 2005, the Chief Minister Shri Nitish Kumar expanded his Council of Ministers by inducting Shri Rameshwar Paswan as the Cabinet Minister (Welfare).

GUJARAT

Two BJP MLAs' Suspended from Party: On 28 October 2005, the BJP suspended party's two MLAs, Sarvashri Sidhartha Parmar and Rakesh Rao from the party for anti-party activities.

JAMMU AND KASHMIR

Minister Assassinated: On 18 October 2005, the Minister of State for Education, Shri Ghulam Nabi Lone was shot dead by unidentified militants in Srinagar.

Resignation of Chief Minister: On 28 October 2005, the Chief Minister Shri Mufti Mohammad Sayeed of the People's Democratic Party submitted his resignation to the Governor.

Ghulam Nabi Azad Sworn in as Chief Minister: On 2 November 2005, Shri Ghulam Nabi Azad of the Indian National Congress was sworn in as the Chief Minister. Ten Cabinet Ministers and two Ministers of State also took oath of office.

The names of Cabinet Ministers along with their portfolios are: Sarvashri Ghulam Nabi Azad, *Chief Minister*; Muzzaffer Hussain Beigh, *Deputy Chief Minister, Finance, Planning & Development, Law, Parliamentary Affairs, Tourism;* Mangat Ram Sharma, *Transport, Administrative Reforms, Inspections, Training & Grievances, Floriculture, Ladakh Affairs;* Pirzada Mohammad Sayeed, *Youth Services and Sports, Haj & Auqaf, Civil Aviation;* Taj Mohi-ud-Din, *Animal Husbandry, Sheep Husbandry, Science and Technology, Information Technology;* Abdul Aziz Zargar, *Agriculture, Cooperative, Hospitality & Protocol, Fisheries;* Qazi Mohhamad Afzal, *Public Health Engineering, Irrigation & Flood Control*; Tariq Hameed Karra, *Housing and Urban Development, Forests, Environment & Ecology;* Haji Nissar Ali, *Social Welfare;* Hakim Mohammad Yasin, *Consumer Affairs &Public Distribution;* and Nawang Rigzin Jora, *Power, Industries and Commerce.*

The names of the Ministers of State (Independent Charge) along with their portfolios are: Sarvashri Gulchain Singh Charak, *R&B (PWD);* and Jatinder Singh, *Rural Development Department.*

MADHYA PRADESH

Resignation of Chief Minister: On 28 November 2005, the Chief Minister Shri Babulal Gaur resigned. Shri Shivraj Singh Chouhan was sworn in as the new Chief Minister.

Expansion of Cabinet: On 4 December 2005, the Chief Minister Shri Shivraj Singh Chouhan expanded his Council of Ministers by inducting 20 Cabinet Ministers and ten Ministers of State.

The names of Cabinet Ministers along with their portfolios are as follows: Sarvashri Shivraj Singh Chouhan, *Chief Minister, General Administration, Home, Narmada Valley Development, Aviation and other Departments not allocated to any other Minister;* Babulal Gaur, *Commercial Taxes, Commerce, Industry and Employment, Public Undertakings and Bhopal Gas Tragedy Relief and Rehabilitation;* Himmat Kothari, *Forest, Transport;* Raghawaji, *Finance, Planning, Economics and Statistics, 20 points Implementation;* Jayant Mallayya, *Urban Administration and Development, Housing and Environment;* Gopal Bhargawa, *Co-operative, Food Civil Supplies and Consumer Protection;* Kailash Vijayvargaya, *Public Work Department, Information Technology and Energy;* Vijay Shah, *Tribal Caste Welfare;* Anoop Mishra, *Water Resources, Public Grievances;* Narendra Singh Tomar, *Panchayat and Rural Development, Gramodhyog, Public Relations;* Rampal Singh, *Public Health Engineering, Social Justice;* Narottam Mishra, *Parliamentary Affairs, School Education, Law and Legislative Affairs;* Chaudhary Chandrabhan Singh, *Agriculture,*

Food Processing; Ramakant Tiwari, *Animal Husbandry and Gau Samvardhan;* Jagdeesh Devda, *Scheduled Caste Welfare, Labour;* Ajay Vishnoi, *Public Health and Family Welfare, Medical Education;* Kamal Patel, *Revenue, Religious Trusts and Endowments, Rehabilitation;* Antar Singh Arya, *Jail;* Rustam Singh, *Backward Classes and Minorities Welfare, Bio Diversity and Bio Technology;* Smt. Yashodhara Raje Scindia, *Sports & Youth Welfare, Tourism;* and Ms. Kusum Singh Mahdele, *Women and Child Development.*

The names of Ministers of State (Independent Charge) along with their portfolios are: Sarvashri Laxmikant Sharma, *Culture, Mineral Resources;* Tukojirao Pawar, *Higher Education, Technical Education;* Moti Kashyap, *Fisheries;* Paras Chandra Jain, *School Education;* Jugal Kishore Bagari, *Water Resources, Animal Husbandry;* Nagendra Singh, *Home, Narmada Valley Development;* Narayan Singh Kushwaha, *Social Justice & Revenue;* Gangaram Patel, *Public Health Engineering, Panchayat & Rural Development;* Prakash Sonkar, *Forest, Scheduled Caste Welfare;* and Ms. Meena Singh, *Women & Child Development.*

MAHARASHTRA

Resignation of Three Shiv Sena MLAs: On 4 November 2005, three Shiv Sena MLAs–Sarvashri Subhash Bane, Shankar Kambli and Ganpat Kadam resigned from the State Legislative Assembly and the Shiv Sena. All the three joined the Indian National Congress.

By-Election Result: Shri Narayan Tatu Rane of the Indian National Congress (INC) was declared elected from Malwan Assembly Constituency, by-election for which was held on 19 November 2005.

MIZORAM

By-Election Result: Sarvashri Liansuama and Saikapthianga, both Independents, were declared elected to the State Legislative Assembly from the Phuldungsei and Kawrthah Assembly constituencies respectively, by-elections for which were held on 10 December 2005.

UTTAR PRADESH

Resignation of Minister: On 10 November 2005, the Food and Civil Supplies Minister Shri Raghuraj Pratap Singh resigned from the Council of Ministers. Earlier in the day, the Supreme Court had quashed an Order passed by the Uttar Pradesh Government withdrawing charges under Prevention of Terrorism Act (POTA) against Shri Singh.

Death of MLA: On 29 November 2005, unidentified assailants shot

dead BJP MLA from Mohammadipur, Shri Krishna Nand Rai and six others at Ghazipur District.

By-Election Results: Shri Rangnath Mishra and Shrimati Satto Devi, both of the BSP were declared elected to the State Legislative Assembly from the Aurai and Nagal Assembly Constituencies, respectively, by-elections for which was held on 2 December 2005.

WEST BENGAL

Resignation of Minister: On 31 October 2005, Minister for Cottage and Small Scale Industries Shri Narayan Biswas resigned from the Council of Ministers.

EVENTS ABROAD

AZERBAIJAN

Election Results: The elections to the 125-seat *Milli Majlis* (the unicameral Legislature) were held on 6 November 2005. The party position following the elections is as follows: New Azerbaijan Party (NAP): 58; Musavat Party: 5; Azerbaijan Popular Front Party: 3; Yeni Siyaset bloc: 2; Ana Veten: 2; Civic Solidarity Party: 2; Liberal Party: 1; Civic Welfare Party: 1; Umid: 1; Democratic Reforms Party: 1; Single Azerbaijan Popular Front Party: 1; Great Creation: 1; Civic Unity Party: 1; Independents: 42. Elections for four Constituencies were annulled.

BOLIVIA

New President: Mr. Evo Morales was elected as the President of Bolivia on 18 December 2005.

BURKINA FASO

President Re-elected: Captain Blaise Compaore was re-elected to the office of President of Burkina Faso, elections for which were held on 13 November 2005.

CHILE

New President: Ms. Michelle Bachelet was elected as the President of Chile on 11 December 2005.

Election Results: The elections to the 120-seat *Chamber of Deputies* (the unicameral Legislature) were held on 11 December 2005. The party position following the elections is as follows: Concertacion (Coalition of Parties for Democracy) List: 65; Alliance For Chile List: 54; and Independent Regional Force List: 1.

EGYPT

Election Results: The elections to the 454-seat *People's Assembly* (the unicameral Legislature) were held on 1 December 2005. The party position following the elections is as follows: National Democratic Party: 311; New Wafd Party: 6; Progressive National Unionist Party: 2; Al Ghad: 1; Independents (Muslim Brotherhood): 88; Independents: 24; and non-elected members: 10. Elections for twelve Constituencies were annulled.

GABON

President Re-elected: Mr. Omar Bongo was re-elected as the President of Gabon for another seven-year term in the elections held on 25 and 27 November 2005.

GERMANY

New Government: On 22 November 2005, the *Bundestag* (the lower House) elected Ms. Angela Merkel, leader of the Christian Democratic Union (CDU) as Germany's Chancellor.

GUINEA-BISSAU

New President: On 1 October 2005, Mr. Joao Bernardo "Nino" Vieira was sworn in as the President of Guinea-Bissau.

HONDURAS

New President: Mr. Jose Manuel Zelaya Rosales was elected as the President of Honduras in the elections held on 27 November 2005.

Election Results: The elections to the 128-seat *National Congress* (the unicameral Legislature) were held on 27 November 2005. The party position following the elections is as follows: Liberal Party of Honduras (PLH): 62; National Party of Honduras (PNH): 55; Democratic Unification Party (PUD): 5; Christian Democratic Party of Honduras (PDCH): 4; and National Innovation and Unity Party-Social-Democracy (PIUSD): 2.

KAZAKHSTAN

President Re-elected: Mr. Nursultan Nazarbayev was re-elected as the President of Kazakhstan in the elections held on 4 December 2005.

LIBERIA

New President: Mr. George Weah was elected to the office of President of Liberia, elections for which were held on 11 October 2005.

NORWAY

New Government: Following coalition negotiations between the Labour Party (AP), the Socialist Left Party (SV), and the Agrarian Centre Party (Sp), AP leader and the incoming Prime Minister Mr. Jens Stoltenberg and his new Cabinet were formally sworn into office by the King Harald V on 17 October 2005. The new center-left coalition, Norway's first majority government since the general election of September 1985, took office after the resignation on 14 October 2005 of outgoing Christian People's Party (KrF) Prime Minister Mr. Kjell Magne Bondevik and his center-right coalition, which had been defeated in legislative elections held on 12 September 2005.

POLAND

New President: Mr. Lech Kaczynski was elected to the office of President, elections for which were held on 9 and 23 October 2005.

New Speaker of Senate: On 20 October 2005, Mr. Bogdan Borusewicz was elected as the Speaker of the Senate (the Upper House of the bicameral Legislature).

New Speaker of Sejm: On 26 October 2005, Mr. Marek Jurek was elected as the Speaker of the *Sejm* (the Lower House of the bicameral Legislature).

SRI LANKA

New President: Mr. Mahinda Rajapakse was elected to the office of President, election for which was held on 17 November 2005.

New Prime Minister: On 21 November 2005, the President, Mr. Mahinda Rajapakse appointed Mr. Ratnasiri Wickremanayake as the new Prime Minister.

SWITZERLAND

New President: Mr. Moritz Leuenberger was elected as the President of Switzerland on 1 December 2005.

TANZANIA

New President: Mr. Jakaya Kikwete was elected as the President of Tanzania on 14 December 2005.

New Prime Minister: On 29 December 2005, the President Mr. Jakaya Kikwete nominated Mr. Edward Lowassa as the Prime Minister.

6

DOCUMENTS OF CONSTITUTIONAL AND PARLIAMENTARY INTEREST

The use of State Emblem of India is presently governed by a set of executive instructions, which covered various aspects, such as, standard design of the State Emblem of India, its adoption by the State Governments, its use in the official seals and on stationery, design of official seal, display on vehicles and on public buildings, use for educational and various other purposes, etc. However, these instructions or orders did not have any legal sanction. The State Emblem of India being the official seal of the Government, its use on any document or thing tends to create an impression that it was an official document or thing of the Government. Therefore, it was considered necessary to prevent its misuse by unauthorized persons.

In order to regulate the use of State Emblem of India with a view to (i) prohibiting the use of the State Emblem of India by members of the public, including retired/former Government officials/public servants, etc., unless specifically authorized by the Central Government (ii) prohibiting the improper use of State Emblem of India for professional and commercial purposes and for matters connected therewith or incidental thereto and (iii) regulating its use by Government functionaries, it was proposed to enact a self-contained legislation.

The State Emblem of India (Prohibition of Improper Use) Bill, 2005, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 6 and 12 December 2005, respectively. The Bill received the President's assent on 20 December 2005. The Bill was introduced in the Lok Sabha as "The State Emblem of India (Prohibition of Improper Use) Bill, 2004". The Short title of the Bill was changed by the Lok Sabha through an amendment to clause 1.

Section 2 of the Prevention of Insults to National Honour Act, 1971, inter alia, provided punishment for disrespect to the National Flag. One of the actions that constituted disrespect to the National Flag was using the National Flag as a portion of costume or uniform of any description or embroidering or printing it on cushions, handkerchiefs, napkins or any dress material.

There were demands from the common citizens in general, and the sports persons in particular, to express their love and affection for the National Flag by displaying it on their dresses, headgear, T-shirts, vests, etc., in a respectable manner. The Department related Parliamentary Standing Committee on Home Affairs was also of the view that the restrictions imposed by Explanation 4(*e*)

of section 2 of the said Act were demotivating the general public and sportspersons.

In view of the above, it was proposed to amend the said Explanation of section 2 of the said Act, which would enable the members of the public to use the National Flag on their costumes, uniform or accessory of any description in a respectable manner with the safeguard that the National Flag shall not be used as a portion of costumes, uniform or accessory of any description worn below the waist, nor it would be used by way of embroidering or printing in items of daily use such as cushions, handkerchiefs, napkins, undergarments or any dress material.

The Prevention of Insults to National Honour (Amendment) Bill, 2005, which sought to achieve the above-mentioned objectives was passed by the Lok Sabha and the Rajya Sabha on 6 and 12 December 2005, respectively. It received the President's assent on 20 December 2005.

The Government had decided to enact a law on disaster management to provide for requisite institutional mechanisms for drawing up and monitoring the implementation of the disaster management plans, ensuring measures by various wings of the Government for prevention and mitigating effects of disasters and for undertaking a holistic, coordinated and prompt response to any disaster situation.

The Disaster Management Bill, 2005 provided for setting up of a National Disaster Management Authority under the Chairmanship of the Prime Minister, State Disaster Management Authorities under the Chairmanship of the Chief Ministers and District Disaster Management Authorities under the Chairmanship of District Magistrates. The Bill also provided for concerned Ministries or Departments to draw up department-wise plans in accordance with the national disaster management plan. It provided for constitution of a National Disaster Response Force and setting up of the National Institute of Disaster Management. The Bill provided for the constitution of the National Fund for Disaster Response and the National Fund for Disaster Mitigation and similar Funds at the State and District levels. A provision was also made in the Bill providing for a specific role for Local Bodies in disaster management including Panchayati Raj Institutions as well as Urban Local Bodies.

The proposed enactment would facilitate effective steps for the mitigation of disasters, prepare for and coordinate effective response to disasters, as also deal with matters connected therewith or incidental thereto.

The Disaster Management Bill, 2005, which sought to achieve the above-mentioned objectives was passed by the Rajya Sabha and the Lok Sabha on 28 November and 12 December 2005, respectively. It was assented to by the President on 23 December 2005.

We reproduce here the texts of the above Acts.

— *Editor*

THE STATE EMBLEM OF INDIA (PROHIBITION OF IMPROPER USE) ACT, 2005

An Act to prohibit the improper use of State Emblem of India for professional and commercial purposes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title, extent, application and commencement:* (*1*) This Act may be called the State Emblem of India (Prohibition of Improper Use) Act, 2005.

(*2*) It extends to the whole of India, and also applies to citizens of India outside India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions*: In this Act, unless the context otherwise requires,–

(*a*) "competent authority" means any authority competent under any law for the time being in force to register any company, firm, other body of persons of any trade mark or design or to grant a patent;

(*b*) "emblem" means the State Emblem of India as described and specified in the Schedule to be used as an official seal of the Government.

3. *Prohibition of improper use of emblem*: Notwithstanding anything contained in any other law for the time being in force, no person shall use the emblem or any colourable imitation thereof in any manner which tends to create an impression that it relates to the Government or that it is an official document of the Central Government or, as the case may be, the State Government, without the previous permission of the Central Government or of such officer of that Government as may be authorised by it in this behalf.

Explanation.—For the purposes of this section, "person" includes a former functionary of the Central Government or the State Governments.

4. *Prohibition of use of emblem for wrongful gain:* No person shall use the emblem for the purpose of any trade, business, calling or profession or in the title of any patent, or in any trade mark or design, except in such cases and under such conditions as may be prescribed.

5. *Prohibition of registration of certain companies, etc:* (*1*) Notwithstanding

anything contained in any other law for the time being in force, no competent authority shall,–

(*a*) register a trade mark or design which bears the emblem, or

(*b*) grant a patent in respect of an invention which bears a title containing the emblem.

(*2*) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority shall refer the question to the Central Government and the decision of the Central Government thereon shall be final.

6. *General powers of Central Government to regulate use of emblem*: (*1*) The Central Government may make such provision by rules as appears to it to be necessary, to regulate the use of the emblem in official seal that is used in offices of the Central Government and the State Governments and their organisations including diplomatic missions abroad, subject to such restrictions and conditions as may be prescribed.

(*2*) Subject to the provisions of this Act, the Central Government shall have powers–

(*a*) to notify the use of emblem on Stationery, the method of printing or embossing it on demi-official stationery by the constitutional authorities, Ministers, Members of Parliament, Members of Legislative Assemblies, officers of the Central Government and the State Governments;

(*b*) to specify the design of the official seal consisting of the emblem;

(*c*) to restrict the display of emblem on vehicles of constitutional authorities, foreign dignitaries, Ministers of the Central Government and the State Governments;

(*d*) to provide for guidelines for display of emblem on public buildings in India, the diplomatic missions and on the buildings occupied by India's consulates abroad;

(*e*) to specify conditions for the use of emblem for various other purposes including the use for educational purposes and the armed forces personnel;

(*f*) to do all such things (including the specification of design of the emblem and its use in the manner whatsoever) as the Central Government considers necessary or expedient for the exercise of the foregoing powers.

7. *Penalty:* (*1*) Any person who contravenes the provisions of

section 3 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or if having been previously convicted of an offence under this section, is again convicted of any such offence, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

(*2*) Any person who contravenes the provisions of section 4 for any wrongful gain shall be punishable for such offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

8. *Previous sanction for prosecution:* No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or social order of the Central Government.

9. *Savings:* Nothing in this Act shall exempt any person from any suit or other proceedings which might be brought against him under any other law for the time being in force.

10. *Act to have overriding effect:* The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or instrument having effect by virtue of such enactment.

11. *Power to make rules:* (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) cases and conditions regulating the use of emblem under section 4;

(*b*) making rules to regulate the use of the emblem in official seal of the Government and specifying restrictions and conditions relating thereto under sub-section (*1*) of section 6;

(*c*) the use of emblem on stationery, design of official seal consisting of emblem and other matters under sub-section (*2*) of section 6;

(*d*) authorising officer by general or special order for giving previous sanction for instituting prosecution under section 8; and

(*e*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[*See* section 2(*b*)]

STATE EMBLEM OF INDIA

Description and Design

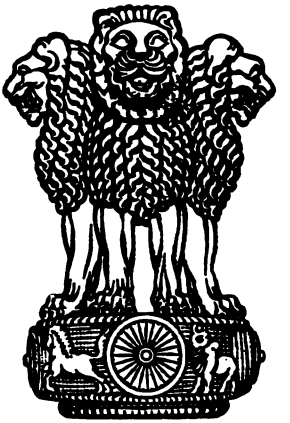
The State Emblem of India is an adaptation from the Sarnath Lion Capital of Asoka which is preserved in the Sarnath Museum. The Lion Capital has four lions mounted back to back on a circular abacus. The frieze of the abacus is adorned with sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening Dharma Chakras. The abacus rests on a bell-shaped lotus.

The profile of the Lion Capital showing three lions mounted on the abacus with a Dharma Chakra in the centre, a bull on the right and a galloping horse on the left and outlines of Dharma Chakras on the extreme right and left, has been adopted as the State Emblem of India. The bell-shaped lotus has been omitted.

The motto "Satyameva Jayate"–Truth alone triumphs–written in Devanagari script below the profile of the Lion Capital is part of the State Emblem of India.

The State Emblem of India shall conform to the designs as set out in Appendix I or Appendix II.

Appendix I



सत्यमेव जयते

Note.—This design is in simplified form and meant for reproduction in small sizes, such as for use in stationery, seals and die-printing.

Appendix II

सत्यमेव जयते

Note.—This design is more detailed and meant for reproduction in bigger sizes.

THE PREVENTION OF INSULTS TO NATIONAL HONOUR (AMENDMENT) ACT, 2005

An Act further to amend the Prevention of Insults to National Honour Act, 1971.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title:* This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 2005.

2. *Amendment of section 2 of Act 69 of 1971*: In the Prevention of Insults of National Honour Act, 1971, in section 2, in *Explanation* 4, for clause (*e*) the following clause shall be substituted, namely:—

"(*e*) using the Indian National Flag,—

(*i*) as a portion of costume, uniform or accessory of any description which is worn below the waist of any person; or

(*ii*) by embroidering or printing it on cushions, handkerchiefs, napkins, undergarments or any dress material; or".

THE DISASTER MANAGEMENT ACT, 2005

An Act to provide for the effective management of disasters and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:–

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement:* (*1*) This Act may be called the Disaster Management Act, 2005.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. *Definitions*: In this Act, unless the context otherwise requires,—

(*a*) "affected area" means an area or part of the country affected by a disaster;

(*b*) "capacity-building" includes—

(*i*) identification of existing resources and resources to be acquired or created;

(*ii*) acquiring or creating resources identified under sub-clause (*i*);

(*iii*) organisation and training of personnel and coordination of such training for effective management of disasters;

(*c*) "Central Government" means the Ministry or Department of the Government of India having administrative control of disaster management;

(*d*) "disaster" means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;

(*e*) "disaster management" means a continuous and integrated process of planning, organising, coordinating and implementing measures which are necessary or expedient for—

(*i*) prevention of danger or threat of any disaster;

(*ii*) mitigation or reduction of risk of any disaster or its severity or consequences;

(*iii*) capacity-building;

(*iv*) preparedness to deal with any disaster;

(*v*) prompt response to any threatening disaster situation or disaster;

(*vi*) assessing the severity or magnitude of effects of any disaster;

(*vii*) evacuation, rescue and relief;

(*viii*) rehabilitation and reconstruction;

(*f*) "District Authority" means the District Disaster Management Authority constituted under sub-section (*1*) of section 25;

(*g*) "District Plan" means the plan for disaster management for the district prepared under section 31;

(*h*) "local authority" includes panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering

essential services or, with the control and management of civic services, within a specified local area;

(*i*) "mitigation" means measures aimed at reducing the risk, impact or effects of a disaster or threatening disaster situation;

(*j*) "National Authority" means the National Disaster Management Authority established under sub-section (*1*) of section 3;

(*k*) "National Executive Committee" means the Executive Committee of the National Authority constituted under sub-section (*1*) of section 8;

(*l*) "National Plan" means the plan for disaster management for the whole of the country prepared under section 11;

(*m*) "preparedness" means the state of readiness to deal with a threatening disaster situation or disaster and the effects thereof;

(*n*) "prescribed" means prescribed by rules made under this Act;

(*o*) "reconstruction" means construction or restoration of any property after a disaster;

(p) "resources" includes manpower, services, materials and provisions;

(*q*) "State Authority" means the State Disaster Management Authority established under sub-section (*1*) of section 14 and includes the Disaster Management Authority for the Union territory constituted under that section;

(*r*) "State Executive Committee" means the Executive Committee of a State Authority constituted under sub-section (*1*) of section 20;

(*s*) "State Government" means the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union territory appointed by the President under article 239 of the Constitution;

(*t*) "State Plan" means the plan for disaster management for the whole of the State prepared under section 23.

CHAPTER II

THE NATIONAL DISASTER MANAGEMENT AUTHORITY

3. *Establishment of National Disaster Management Authority:* (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be established for the purposes of this Act, an authority to be known as the National Disaster Management Authority.

(*2*) The National Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by

the Central Government and, unless the rules otherwise provide, the National Authority shall consist of the following:—

(*a*) the Prime Minister of India, who shall be the Chairperson of the National Authority, *ex officio;*

(*b*) other members, not exceeding nine, to be nominated by the Chairperson of the National Authority.

(*3*) The Chairperson of the National Authority may designate one of the members nominated under clause (*b*) of sub-section (*2*) to be the Vice-Chairperson of the National Authority.

(*4*) The term of office and conditions of service of members of the National Authority shall be such as may be proscribed.

4. *Meetings of National Authority:* (*1*) The National Authority shall meet as and when necessary and at such time and place as the Chairperson of the National Authority may think fit.

(*2*) The Chairperson of the National Authority shall preside over the meetings of the National Authority.

(*3*) If for any reason the Chairperson of the National Authority is unable to attend any meeting of the National Authority, the Vice-Chairperson of the National Authority shall preside over the meeting.

5. *Appointment of officers and other employees of the National Authority:* The Central Government shall provide the National Authority with such officers, consultants and employees, as it considers necessary for carrying out the functions of the National Authority.

6. *Powers and functions of National Authority*: (*1*) Subject to the provisions of this Act, the National Authority shall have the responsibility for laying down the policies, plans and guidelines for disaster management for ensuring timely and effective response to disaster.

(*2*) Without prejudice to generality of the provisions contained in sub-section (*1*), the National Authority may—

(*a*) lay down policies on disaster management;

(*b*) approve the National Plan;

(*c*) approve plans prepared by the Ministries or Departments of the Government of India in accordance with the National Plan;

(*d*) lay down guidelines to be followed by the State Authorities in drawing up the State Plan;

(*e*) lay down guidelines to be followed by the different Ministries

or Departments of the Government of India for the purpose of integrating the measures for prevention of disaster or the mitigation of its effects in their development plans and projects;

(*f*) coordinate the enforcement and implementation of the policy and plan for disaster management;

(*g*) recommend provision of funds for the purpose of mitigation;

(*h*) provide such support to other countries affected by major disasters as may be determined by the Central Government;

(*i*) take such other measures for the prevention of disaster, or the mitigation, or preparedness and capacity building for dealing with the threatening disaster situation or disaster as it may consider necessary;

(*j*) lay down broad policies and guidelines for the functioning of the National Institute of Disaster Management.

(*3*) The Chairperson of the National Authority shall, in the case of emergency, have power to exercise all or any of the powers of the National Authority but exercise of such powers shall be subject to *ex post facto* ratification by the National Authority.

7. *Constitution of advisory committee by National Authority:* (*1*) The National Authority may constitute an advisory committee consisting of experts in the field of disaster management and having practical experience of disaster management at the national, State or district level to make recommendations on different aspects of disaster management.

(*2*) The members of the advisory committee shall be paid such allowances as may be prescribed by the Central Government in consultation with the National Authority.

8. *Constitution of National Executive Committee:* (*1*) The Central Government shall, immediately after issue of notification under sub-section (*1*) of section 3, constitute a National Executive Committee to assist the National Authority in the performance of its functions under this Act.

(*2*) The National Executive Committee shall consist of the following:—

(*a*) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the disaster management, who shall be Chairperson, *ex officio;*

(*b*) the Secretaries to the Government of India in the Ministries

or Departments having administrative control of the agriculture, atomic energy, defence, drinking water supply, environment and forests, finance (expenditure), health, power, rural development, science and technology, space, telecommunication, urban development, water resources and the Chief of the Integrated Defence Staff of the Chiefs of Staff Committee, *ex officio*.

(*3*) The Chairperson of the National Executive Committee may invite any other officer of the Central Government or a State Government for taking part in any meeting of the National Executive Committee and shall exercise such powers and perform such functions as may be prescribed by the Central Government in consultation with the National Authority.

(*4*) The procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the Central Government.

9. *Constitution of sub-committees:* (*1*) The National Executive Committee may, as and when it considers necessary, constitute one or more sub-committees, for the efficient discharge of its functions.

(*2*) The National Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (*1*).

(*3*) Any person associated as an expert with any sub-committee may be paid such allowances as may be prescribed by the Central Government.

10. *Powers and functions of National Executive Committee*: (*1*) The National Executive Committee shall assist the National Authority in the discharge of its functions and have the responsibility for implementing the policies and plans of the National Authority and ensure the compliance of directions issued by the Central Government for the purpose of disaster management in the country.

(*2*) Without prejudice to the generality of the provisions contained in sub-section (*1*), the National Executive Committee may—

(*a*) act as the coordinating and monitoring body for disaster management;

(*b*) prepare the National Plan to be approved by the National Authority;

(*c*) coordinate and monitor the implementation of the National Policy;

(*d*) lay down guidelines for preparing disaster management plans by different Ministries or Departments of the Government of India and the State Authorities;

(*e*) provide necessary technical assistance to the State Governments and the State Authorities for preparing their disaster management plans in accordance with the guidelines laid down by the National Authority;

(*f*) monitor the implementation of the National Plan and the plans prepared by the Ministries or Departments of the Government of India;

(*g*) monitor the implementation of the guidelines laid down by the National Authority for integrating of measures for prevention of disasters and mitigation by the Ministries or Departments in their development plans and projects;

(*h*) monitor, coordinate and give directions regarding the mitigation and preparedness measures to be taken by different Ministries or Departments and agencies of the Government;

(*i*) evaluate the preparedness at all governmental levels for the purpose of responding to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(*j*) plan and coordinate specialised training programme for disaster management for different levels of officers, employees and voluntary rescue workers;

(*k*) coordinate response in the event of any threatening disaster situation or disaster;

(*l*) lay down guidelines for, or give directions to the concerned Ministries or Departments of the Government of India, the State Governments and the State Authorities regarding measures to be taken by them in response to any threatening disaster situation or disaster;

(*m*) require any department or agency of the Government to make available to the National Authority or State Authorities such men or material resources as are available with it for the purposes of emergency response, rescue and relief;

(*n*) advise, assist and coordinate the activities of the Ministries or Departments of the Government of India State Authorities, statutory bodies, other governmental or non-governmental organisations and others engaged in disaster management;

(*o*) provide necessary technical assistance or give advice to the State Authorities and District Authorities for carrying out their functions under this Act;

(*p*) promote general education and awareness in relation to disaster management; and

(*q*) perform such other functions as the National Authority may require it to perform.

11. *National Plan:* (*1*) There shall be drawn up a plan for disaster management for the whole of the country be called the National plan.

(*2*) The National Plan shall be prepared by the National Executive Committee having regard to the National Policy and in consultation with the State Governments and expert bodies or organisations in the field of disaster management to be approved by the National Authority.

(*3*) The National Plan shall include–

(*a*) measures to be taken for the prevention of disasters, or the mitigation of their effects;

(*b*) measures to be taken for the integration of mitigation measures in the development plans;

(*c*) measures to be taken for preparedness and capacity building to effectively respond to any threatening disaster situations or disaster;

(*d*) roles and responsibilities of different Ministries or Departments of the Government of India in respect of measures specified in clauses (*a*), (*b*) and (*c*).

(*4*) The National Plan shall be reviewed and updated annually.

(*5*) Appropriate provisions shall be made by the Central Government for financing the measures to be carried out under the National Plan.

(*6*) Copies of the National Plan referred to in sub-sections (*2*) and (*4*) shall be made available to the Ministries or Departments of the Government of India and such Ministries or Departments shall draw up their own plans in accordance with the National Plan.

12. *Guidelines for minimum standards of relief:* The National Authority shall recommend guidelines for the minimum standards of relief to be provided to persons affected by disaster, which shall include,–

(*i*) the minimum requirements to be provided in the relief camps in relation to shelter, food, drinking water, medical cover and sanitation;

(*ii*) the special provisions to be made for widows and orphans;

(*iii*) *ex gratia* assistance on account of loss of life as also assistance on account of damage to houses and for restoration of means of livelihood;

(*iv*) such other relief as may be necessary.

13. *Relief in loan repayment, etc.:* The National Authority may, in cases of disasters of severe magnitude, recommend relief in repayment of loans or for grant of fresh loans to the persons affected by disaster on such concessional terms as may be appropriate.

CHAPTER III

STATE DISASTER MANAGEMENT AUTHORITIES

14. *Establishment of State Disaster Management Authority:* (*1*) Every State Government shall, as soon as may be after the issue of the notification under sub-section (*1*) of section 3, by notification in the Official Gazette, establish a State Disaster Management Authority for the State with such name as may be specified in the notification of the State Government.

(*2*) A State Authority shall consist of the Chairperson and such number of other members, not exceeding nine, as may be prescribed by the State Government and, unless the rules otherwise provide, the State Authority shall consist of the following members, namely:—

(*a*) the Chief Minister of the State, who shall be Chairperson, *ex officio;*

(*b*) other members, not exceeding eight, to be nominated by the Chairperson of the State Authority;

(*c*) the Chairperson of the State Executive Committee, *ex officio.*

(*3*) The Chairperson of the State Authority may designate one of the members nominated under clause (*b*) of sub-section (*2*) to be the Vice-Chairperson of the State Authority.

(*4*) The Chairperson of the State Executive Committee shall be the Chief Executive Officer of the State Authority, *ex officio:*

Provided that in the case of a Union territory having Legislative Assembly, except the Union territory of Delhi, the Chief Minister shall be the Chairperson of the Authority established under this section and in case of other Union territories, the Lieutenant Governor or the Administrator shall be the Chairperson of that Authority:

Provided further that the Lieutenant Governor of the Union territory of Delhi shall be the Chairperson and the Chief Minister thereof shall be the Vice-Chairperson of the State Authority.

(*5*) The term of office and conditions of service of members of the State Authority shall be such as may be prescribed.

15. *Meetings of the State Authority:* (*1*) The State Authority shall meet as and when necessary and at such time and place as the Chairperson of the State Authority may think fit.

(*2*) The Chairperson of the State Authority shall preside over the meetings of the State Authority.

(*3*) If for any reason the Chairperson of the State Authority is unable to attend the meeting of the State Authority, the Vice-Chairperson of the State Authority shall preside at the meeting.

16. *Appointment of officers and other employees of State Authority:* The State Government shall provide the State Authority with such officers, consultants and employees, as it considers necessary, for carrying out the functions of the State Authority.

17. *Constitution of advisory committee by the State Authority:* (*1*) A State Authority may, as and when it considers necessary, constitute an advisory committee, consisting of experts in the field of disaster management and having practical experience of disaster management to make recommendations on different aspects of disaster management.

(*2*) The members of the advisory committee shall be paid such allowances as may be prescribed by the State Government.

18. *Powers and functions of State Authority:* (*1*) Subject to the provisions of this Act, a State Authority shall have the responsibility for laying down policies and plans for disaster management in the State.

(*2*) Without prejudice to the generality of provisions contained in sub-section (*1*), the State Authority may—

(*a*) lay down the State disaster management policy;

(*b*) approve the State Plan in accordance with the guidelines laid down by the National Authority;

(*c*) approve the disaster management plans prepared by the departments of the Government of the State;

(*d*) lay down guidelines to be followed by the departments of the Government of the State for the purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;

(*e*) coordinate the implementation of the State Plan;

(*f*) recommend provision of funds for mitigation and preparedness measures;

(*g*) review the development plans of the different departments

of the State and ensure that prevention and mitigation measures are integrated therein;

(*h*) review the measures being taken for mitigation, capacity building and preparedness by the departments of the Government of the State and issue such guidelines as may be necessary.

(*3*) The Chairperson of the State Authority shall, in the case of emergency, have power to exercise all or any of the powers of the State Authority but the exercise of such powers shall be subject to *ex post facto* ratification of the State Authority.

19. *Guidelines for minimum standard of relief by State Authority:* The State Authority shall lay down detailed guidelines for providing standards of relief to persons affected by disaster in the State:

Provided that such standards shall in no case be less than the minimum standards in the guidelines laid down by the National Authority in this regard.

20. *Constitution of State Executive Committee:* (*1*) The State Government shall, immediately after issue of notification under sub-section (*1*) of section 14, constitute a State Executive Committee to assist the State Authority in the performance of its functions and to coordinate action in accordance with the guidelines laid down by the State Authority and ensure the compliance of directions issued by the State Government under this Act.

(*2*) The State Executive Committee shall consist of the following members, namely:—

(*a*) the Chief Secretary to the State Government, who shall be Chairperson, *ex officio,*

(*b*) four Secretaries to the Government of the State of such departments as the State Government may think fit, *ex officio.*

(*3*) The Chairperson of the State Executive Committee shall exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the State Authority.

(*4*) The procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions shall be such as may be prescribed by the State Government.

21. *Constitution of sub-committees by State Executive Committee:* (*1*) The State Executive Committee may, as and when it considers

necessary, constitute one or more sub-committees, for efficient discharge of its functions.

(*2*) The State Executive Committee shall, from amongst its members, appoint the Chairperson of the sub-committee referred to in sub-section (*1*).

(*3*) Any person associated as an expert with the any sub-committee may be paid such allowances as may be prescribed by State Government.

22. *Functions of the State Executive Committee:* (*1*) The State Executive Committee shall have the responsibility for implementing the National Plan and State Plan and act as the coordinating and monitoring body for management of disaster in the State.

(2) Without prejudice to the generality of the provisions of sub-section (*1*), the State Executive Committee may—

(*a*) coordinate and monitor the implementation of the National Policy, the National Plan and the State Plan;

(*b*) examine the vulnerability of different parts of the State to different forms of disasters and specify measures to be taken for their prevention or mitigation;

(*c*) lay down guidelines for preparation of disaster management plans by the departments of the Government of the State and the District Authorities;

(*d*) monitor the implementation of disaster management plans prepared by the departments of the Government of the State and District Authorities;

(*e*) monitor the implementation of the guidelines laid down by the State Authority for integrating of measures for prevention of disasters and mitigation by the departments in their development plans and projects;

(*f*) evaluate preparedness at all governmental or non-governmental levels to respond to any threatening disaster situation or disaster and give directions, where necessary, for enhancing such preparedness;

(*g*) coordinate response in the event of any threatening disaster situation or disaster;

(*h*) give directions to any Department of the Government of the State or any other authority or body in the State regarding actions to be taken in response to any threatening disaster situation or disaster;

(*i*) promote general education, awareness and community training in regard to the forms of disasters to which different parts

of the State are vulnerable and the measures that may be taken by such community to prevent the disaster, mitigate and respond to such disaster;

(*j*) advise, assist and coordinate the activities of the Departments of the Government of the State, District Authorities, statutory bodies and other governmental and non-governmental organisations engaged in disaster management;

(*k*) provide necessary technical assistance or give advice to District Authorities and local authorities for carrying out their functions effectively;

(*l*) advise the State Government regarding all financial matters in relation to disaster management;

(*m*) examine the construction, in any local area in the State and, if it is of the opinion that the standards laid for such construction for the prevention of disaster is not being or has not been followed, may direct the District Authority or the local authority, as the case may be, to take such action as may be necessary to secure compliance of such standards;

(*n*) provide information to the National Authority relating to different aspects of disaster management;

(*o*) lay down, review and update State level response plans and guidelines and ensure that the district level plans are prepared, reviewed and updated;

(*p*) ensure that communication systems are in order and the disaster management drills are carried out periodically;

(*q*) perform such other functions as may be assigned to it by the State Authority or as it may consider necessary.

23. *State Plan:* (*1*) There shall be a plan for disaster management for every State to be called the State Disaster Management Plan.

(*2*) The State Plan shall be prepared by the State Executive Committee having regard to the guidelines laid down by the National Authority and after such consultation with local authorities, district authorities and the people's representatives as the State Executive Committee may deem fit.

(*3*) The State Plan prepared by the State Executive Committee under sub-section (*2*) shall be approved by the State Authority.

(*4*) The State Plan shall include,—

(*a*) the vulnerability of different parts of the State to different forms of disasters;

(*b*) the measures to be adopted for prevention and mitigation of disasters;

(*c*) the manner in which the mitigation measures shall be integrated with the development plans and projects;

(*d*) the capacity-building and preparedness measures to be taken;

(*e*) the roles and responsibilities of each Department of the Government of the State in relation to the measures specified in clauses (*b*), (*c*) and (*d*) above;

(*f*) the roles and responsibilities of different Departments of the Government of the State in responding to any threatening disaster situation or disaster.

(*5*) The State Plan shall be reviewed and updated annually.

(*6*) Appropriate provisions shall be made by the State Government for financing for the measures to be carried out under the State Plan.

(*7*) Copies of the State Plan referred to in sub-sections (*2*) and (*5*) shall be made available to the Departments of the Government of the State and such Departments shall draw up their own plans in accordance with the State Plan.

24. *Powers and functions of State Executive Committee in the event of threatening disaster situation:* For the purpose of, assisting and protecting the community affected by disaster or providing relief to such community or, preventing or combating disruption or dealing with the effects of any threatening disaster situation, the State Executive Committee may–

(*a*) control and restrict, vehicular traffic to, from or within, the vulnerable or affected area;

(*b*) control and restrict the entry of any person into, his movement within and departure from, a vulnerable or affected area;

(*c*) remove debris, conduct search and carry out rescue operations;

(*d*) provide shelter, food, drinking water, essential provisions, healthcare and services in accordance with the standards laid down by the National Authority and State Authority;

(*e*) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;

(*f*) require any department of the Government of the State or

any other body or authority or person in charge of any relevant resources to make available the resources for the purposes of emergency response, rescue and relief;

(*g*) require experts and consultants in the field of disasters to provide advice and assistance for rescue and relief;

(*h*) procure exclusive or preferential use of amenities from any authority or person as and when required;

(*i*) construct temporary bridges or other necessary structures and demolish unsafe structures which may be hazardous to public;

(*j*) ensure that non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;

(*k*) disseminate information to public to deal with any threatening disaster situation or disaster;

(*l*) take such steps as the Central Government or the State Government may direct in this regard or take such other steps as are required or warranted by the form of any threatening disaster situation or disaster.

CHAPTER IV

DISTRICT DISASTER MANAGEMENT AUTHORITY

25. *Constitution of District Disaster Management Authority:* (*1*) Every State Government shall, as soon as may be after issue of notification under sub-section (*1*) of section 14, by notification in the Official Gazette, establish a District Disaster Management Authority for every district in the State with such name as may be specified in that notification.

(*2*) The District Authority shall consist of the Chairperson and such number of other members, not exceeding seven, as may be prescribed by the State Government, and unless the rules otherwise provide, it shall consist of the following, namely:—

(*a*) the Collector or District Magistrate or Deputy Commissioner, as the case may be, of the district who shall be Chairperson, *ex officio;*

(*b*) the elected representative of the local authority who shall be the co-Chairperson, *ex officio;*

Provided that in the Tribal Areas, as referred to in the Sixth Schedule to the Constitution, the Chief Executive Member of the district council of autonomous district, shall be the co-Chairperson, *ex officio;*

(*c*) the Chief Executive Officer of the District Authority, *ex officio;*

(*d*) the Superintendent of Police, *ex officio;*

(*e*) the Chief Medical Officer of the district, *ex officio;*

(*f*) not exceeding two other district level officers, to be appointed by the State Government.

(*3*) In any district where zila parishad exists, the Chairperson thereof shall be the co-Chairperson of the District Authority.

(*4*) The State Government shall appoint an officer not below the rank of Additional Collector or Additional District Magistrate or Additional Deputy Commissioner, as the case may be, of the district to be the Chief Executive Officer of the District Authority to exercise such powers and perform such functions as may be prescribed by the State Government and such other powers and functions as may be delegated to him by the District Authority.

26. *Powers of Chairperson of District Authority:* (*1*) The Chairperson of the District Authority shall, in addition to presiding over the meetings of the District Authority, exercise and discharge such powers and functions of the District Authority as the District Authority may delegate to him.

(*2*) The Chairperson of the District Authority shall, in the case of an emergency, have power to exercise all or any of the powers of the District Authority but the exercise of such powers shall be subject to *ex post facto* ratification of the District Authority.

(*3*) The District Authority or the Chairperson of the District Authority may, by general or special order, in writing, delegate such of its or his powers and functions, under sub-section (*1*) or (*2*), as the case may be, to the Chief Executive Officer of the District Authority, subject to such conditions and limitations, if any, as it or he deems fit.

27. *Meetings:* The District Authority shall meet as and when necessary and at such time and place as the Chairperson may think fit.

28. *Constitution of advisory committees and other committees:* (*1*) The District Authority may, as and when it considers necessary, constitute one or more advisory committees and other committees for the efficient discharge of its functions.

(*2*) The District Authority shall, from amongst its members, appoint the Chairperson of the Committee referred to in sub-section (*1*).

(*3*) Any person associated as an expert with any committee or sub-committee constituted under sub-section (*1*) may be paid such allowances as may be prescribed by the State Government.

29. *Appointment of officers and other employees of District Authority:* The State Government shall provide the District Authority with such officers, consultants and other employees as it considers necessary for carrying out the functions of District Authority.

30. *Powers and functions of District Authority:* (*1*) The District Authority shall act as the district planning, coordinating and implementing body for disaster management and take all measures for the purposes of disaster management in the district in accordance with the guidelines laid down by the National Authority and the State Authority.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the District Authority may—

(*i*) prepare a disaster management plan including district response plan for the district;

(*ii*) coordinate and monitor the implementation of the National Policy, State Policy, National Plan, State Plan and District Plan;

(*iii*) ensure that the areas in the district vulnerable to disasters are identified and measures for the prevention of disasters and the mitigation of its effects are undertaken by the departments of the Government at the district level as well as by the local authorities;

(*iv*) ensure that the guidelines for prevention of disasters, mitigation of its effects, preparedness and response measures as laid down by the National Authority and the State Authority are followed by all departments of the Government at the district level and the local authorities in the district;

(*v*) give directions to different authorities at the district level and local authorities to take such other measures for the prevention or mitigation of disasters as may be necessary;

(*vi*) lay down guidelines for prevention of disaster management plans by the department of the Government at the districts level and local authorities in the district;

(*vii*) monitor the implementation of disaster management plans prepared by the Departments of the Government at the district level;

(*viii*) lay down guidelines to be followed by the Departments of the Government at the district level for purposes of integration of measures for prevention of disasters and mitigation in their development plans and projects and provide necessary technical assistance therefor;

(*ix*) monitor the implementation of measures referred to in clause (*viii*);

(*x*) review the state of capabilities for responding to any disaster or threatening disaster situation in the district and give directions to the relevant departments or authorities at the district level for their upgradation as may be necessary;

(*xi*) review the preparedness measures and give directions to the concerned departments at the district level or other concerned authorities where necessary for bringing the preparedness measures to the levels required for responding effectively to any disaster or threatening disaster situation;

(*xii*) organise and coordinate specialised training programmes for different levels of officers, employees and voluntary rescue workers in the district;

(*xiii*) facilitate community training and awareness programmes for prevention of disaster or mitigation with the support of local authorities, governmental and non-governmental organisations;

(*xiv*) set up, maintain, review and upgrade the mechanism for early warnings and dissemination of proper information to public;

(*xv*) prepare, review and update district level response plan and guidelines;

(*xvi*) coordinate response to any threatening disaster situation or disaster;

(*xvii*) ensure that the Departments of the Government at the district level and the local authorities prepare their response plans in accordance with the district response plan;

(*xviii*) lay down guidelines for, or give direction to, the concerned Department of the Government at the district level or any other authorities within the local limits of the district to take measures to respond effectively to any threatening disaster situation or disaster;

(*xix*) advise, assist and coordinate the activities of the Departments of the Government at the district level, statutory bodies and other governmental and non-governmental organisations in the district engaged in the disaster management;

(*xx*) coordinate with, and give guidelines to, local authorities in the district to ensure that measures for the prevention or mitigation of threatening disaster situation or disaster in the district are carried out promptly and effectively;

(*xxi*) provide necessary technical assistance or give advise to the local authorities in the district for carrying out their functions;

(*xxii*) review development plans prepared by the Departments of the Government at the district level, statutory authorities or local authorities with a view to make necessary provisions therein for prevention of disaster or mitigation;

(*xxiii*) examine the construction in any area in the district and, if it is of the opinion that the standards for the prevention of disaster or mitigation laid down for such construction is not being or has not been followed, may direct the concerned authority to take such action as may be necessary to secure compliance of such standards;

(*xxiv*) identify buildings and places which could, in the event of any threatening disaster situation or disaster, be used as relief centers or camps and make arrangements for water supply and sanitation in such buildings or places;

(*xxv*) establish stockpiles of relief and rescue materials or ensure preparedness to make such materials available at a short notice;

(*xxvi*) provide information to the State Authority relating to different aspects of disaster management;

(*xxvii*) encourage the involvement of non-governmental organisations and voluntary social-welfare institutions working at the grassroots level in the district for disaster management;

(*xxviii*) ensure communication systems are in order, and disaster management drills are carried out periodically;

(*xxix*) perform such other functions as the State Government or State Authority may assign to it or as it deems necessary for disaster management in the District.

31. *District Plan:* (*1*) There shall be a plan for disaster management for every district of the State.

(*2*) The District Plan shall be prepared by the District Authority, after consultation with the local authorities and having regard to the National Plan and the State Plan, to be approved by the State Authority.

(*3*) The District Plan shall include—

(*a*) the areas in the district vulnerable to different forms of disasters;

(*b*) the measures to be taken, for prevention and mitigation of disaster, by the Departments of the Government at the district level and local authorities in the district;

(*c*) the capacity-building and preparedness measures required to be taken by the Departments of the Government at the district level and the local authorities in the district to respond to any threatening disaster situation or disaster;

(*d*) the response plans and procedures, in the event of a disaster, providing for–

(*i*) allocation of responsibilities to the Departments of the Government at the district level and the local authorities in the district;

(*ii*) prompt response to disaster and relief thereof;

(*iii*) procurement of essential resources;

(*iv*) establishment of communication links; and

(*v*) the dissemination of information to the public;

(*e*) such other matters as may be required by the State Authority.

(*4*) The District Plan shall be reviewed and updated annually.

(*5*) The copies of the District Plan referred to in sub-sections (*2*) and (*4*) shall be made available to the Departments of the Government in the district.

(*6*) The District Authority shall send a copy of the District Plan to the State Authority which shall forward it to the State Government.

(*7*) The District Authority shall, review from time to time, the implementation of the Plan and issue such instructions to different departments of the Government in the district as it may deem necessary for the implementation thereof.

32. *Plans by different authorities at district level and their implementation:* Every office of the Government of India and of the State Government at the district level and the local authorities shall, subject to the supervision of the District Authority,—

(*a*) prepare a disaster management plan setting out the following, namely:—

(*i*) provisions for prevention and mitigation measures as provided for in the District Plan and as is assigned to the department or agency concerned;

(*ii*) provisions for taking measures relating to capacity-building and preparedness as laid down in the District Plan;

(*iii*) the response plans and procedures, in the event of, any threatening disaster situation or disaster;

(*b*) coordinate the preparation and the implementation or its plan with those of the other organisations at the district level including local authority, communities and other stakeholders;

(*c*) regularly review and update the plan; and

(*d*) submit a copy of its disaster management plan, and of any amendment thereto, to the District Authority.

33. *Requisition by the District Authority:* The District Authority may by order require any officer or any Department at the district level or any local authority to take such measures for the prevention or mitigation of disaster, or to effectively respond to it, as may be necessary, and such officer or department shall be bound to carry out such order.

34. *Powers and functions of District Authority in the event of any threatening disaster situation or disaster:* For the purpose of assisting, protecting or providing relief to the community, in response to any threatening disaster situation or disaster, the District Authority may—

(*a*) give directions for the release and use of resources available with any Department of the Government and the local authority in the district;

(*b*) control and restrict vehicular traffic to, from and within, the vulnerable or affected area;

(*c*) control and restrict the entry of any person into, his movement within and departure from, a vulnerable of affected area;

(*d*) remove debris, conduct search and carry out rescue operations;

(*e*) provide shelter, food, drinking water and essential provisions, healthcare and services;

(*f*) establish emergency communication systems in the affected area;

(*g*) make arrangements for the disposal of the unclaimed dead bodies;

(*h*) recommend to any Department of the Government of the State or any authority or body under that Government at the district level to take such measures as are necessary in its opinion;

(*i*) require experts and consultants in the relevant fields to advise and assist as it may deem necessary;

(*j*) procure exclusive or preferential use of amenities from any authority or person;

(*k*) construct temporary bridges or other necessary structures and demolish structures which may be hazardous to public or aggravate the effects of the disaster;

(*l*) ensure that the non-governmental organisations carry out their activities in an equitable and non-discriminatory manner;

(*m*) take such other steps as may be required or warranted to be taken in such a situation.

CHAPTER V

MEASURES BY THE GOVERNMENT FOR DISASTER MANAGEMENT

35. *Central Government to take measures:* (*1*) Subject to the provisions of this Act, the Central Government shall take all such measures as it deems necessary or expedient for the purpose of disaster management.

(*2*) In particular and without prejudice to the generality of the provisions of sub-section (*1*), the measures which the Central Government may take under that sub-section include measures with respect to all or any of the following matters, namely:—

(*a*) coordination of actions of the Ministries or Departments of the Government of India, State Governments, National Authority, State Authorities, governmental and non-governmental organisations in relation to disaster management;

(*b*) ensure the integration of measures for prevention of disasters and mitigation by Ministries or Departments of the Government of India into their development plans and projects;

(*c*) ensure appropriate allocation of funds for prevention of disaster, mitigation, capacity-building and preparedness by the Ministries or Departments of the Government of India;

(*d*) ensure that the Ministries or Departments of the Government of India take necessary measures for preparedness to promptly and effectively respond to any threatening disaster situation or disaster;

(*e*) cooperation and assistance to State Governments, as requested by them or otherwise deemed appropriate by it;

(*f*) deployment of naval, military and air forces, other armed forces of the Union or any other civilian personnel as may be required for the purposes of this Act;

(*g*) coordination with the United Nations agencies, international organisations and governments of foreign countries for the purposes of this Act;

(*h*) establish institutions for research, training, and developmental programmes in the field of disaster management;

(*i*) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of the provisions of this Act.

(*3*) The Central Government may extend such support to other countries affected by major disaster as it may deem appropriate.

36. *Responsibilities of Ministries or Departments of Government of*

India: It shall be the responsibility of every Ministry or Department of the Government of India to—

(*a*) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority;

(*b*) integrate into its development plans and projects, the measures for prevention or mitigation of disasters in accordance with the guidelines laid down by the National Authority;

(*c*) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the guidelines of the National Authority or the directions of the National Executive Committee in this behalf;

(*d*) review the enactments administered by it, its policies, rules and regulations, with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;

(*e*) allocate funds for measures for prevention of disaster, mitigation, capacity-building and preparedness;

(*f*) provide assistance to the National Authority and State Governments for—

(*i*) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;

(*ii*) carrying out rescue and relief operations in the affected area;

(*iii*) assessing the damage from any disaster;

(*iv*) carrying out rehabilitation and reconstruction;

(*g*) make available its resources to the National Executive Committee or a State Executive Committee for the purposes of responding promptly and effectively to any threatening disaster situation or disaster, including measures for—

(*i*) providing emergency communication in a vulnerable or affected area;

(*ii*) transporting personnel and relief goods to and from the affected area;

(*iii*) providing evacuation, rescue, temporary shelter or other immediate relief;

(*iv*) setting up temporary bridges, jetties and landing places;

(*v*) providing, drinking water, essential provisions, healthcare, and services in an affected area;

(*h*) take such other actions as it may consider necessary for disaster management.

37. *Disaster management plans of Ministries or Departments of Government of India*: (*1*) Every Ministry or Department of the Government of India shall—

(*a*) prepare a disaster management plan specifying the following particulars, namely:—

(*i*) the measures to be taken by it for prevention and mitigation of disasters in accordance with the National Plan;

(*ii*) the specifications regarding integration of mitigation measures in its development plans in accordance with the guidelines of the National Authority and the National Executive Committee;

(*iii*) its roles and responsibilities in relation to preparedness and capacity-building to deal with any threatening disaster situation or disaster;

(*iv*) its roles and responsibilities in regard to promptly and effectively responding to any threatening disaster situation or disaster;

(*v*) the present status of its preparedness to perform the roles and responsibilities specified in sub-clauses (*iii*) and (*iv*);

(*vi*) the measures required to be taken in order to enable it to perform its responsibilities specified in sub-clauses (*iii*) and (*iv*);

(*b*) review and update annually the plan referred to in clause (*a*);

(*c*) forward a copy of the plan referred to in clause (*a*) or clause (*b*), as the case may be, to the Central Government which Government shall forward a copy thereof to the National Authority for its approval.

(*2*) Every Ministry or Department of the Government of India shall—

(*a*) make, while preparing disaster management plan under clause (*a*) of sub-section (*1*), provisions for financing the activities specified therein;

(*b*) furnish a status report regarding the implementation of the plan referred to in clause (*a*) of sub-section (*1*) to the National Authority, as and when required by it.

38. *State Government to take measures:* (*1*) Subject to the provisions of this Act, each State Government shall take all measures specified in the guidelines laid down by the National Authority and such further measures as it deems necessary or expedient, for the purpose of disaster management.

(*2*) The measures which the State Government may take under sub-

section (*1*) include measures with respect to all or any of the following matters, namely:—

(*a*) coordination of actions of different departments of the Government of the State, the State Authority, District Authorities, local authority and other non-governmental organisations;

(*b*) cooperation and assistance in the disaster management to the National Authority and National Executive Committee, the State Authority and the State Executive Committee, and the District Authorities;

(*c*) cooperation with, and assistance to, the Ministries or Departments of the Government of India in disaster management, as requested by them or otherwise deemed appropriate by it;

(*d*) allocation of funds for measures for prevention of disaster, mitigation, capacity-building and preparedness by the departments of the Government of the State in accordance with the provisions of the State Plan and the District Plans;

(*e*) ensure that the integration of measures for prevention of disaster or mitigation by the departments of the Government of the State in their development plans and projects;

(*f*) integrate in the State development plan, measures to reduce or mitigate the vulnerability of different parts of the State to different disasters;

(*g*) ensure the preparation of disaster management plans by different departments of the State in accordance with the guidelines laid down by the National Authority and the State Authority;

(*h*) establishment of adequate warning systems up to the level of vulnerable communities;

(*i*) ensure that different departments of the Government of the State and the District Authorities take appropriate preparedness measures;

(*f*) ensure that in a threatening disaster situation or disaster, the resources of different departments of the Government of the State are made available to the National Executive Committee or the State Executive Committee or the District Authorities, as the case may be, for the purposes of effective response, rescue and relief in any threatening disaster situation or disaster;

(*k*) provide rehabilitation and reconstruction assistance to the victims of any disaster; and

(*l*) such other matters as it deems necessary or expedient for the purpose of securing effective implementation of provisions of this Act.

39. *Responsibilities of departments of the State Government:* It shall be the responsibility of every department of the Government of a State to–

(*a*) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority;

(*b*) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;

(*c*) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness;

(*d*) respond effectively and promptly to any threatening disaster situation or disaster in accordance with State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee;

(*e*) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;

(*f*) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—

(*i*) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;

(*ii*) assessing the damage from any disaster;

(*iii*) carrying out rehabilitation and reconstruction;

(*g*) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;

(*h*) make available its resources to the National Executive Committee or the State Executive Committee or the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—

(*i*) providing emergency communication with a vulnerable or affected area;

(*ii*) transporting personnel and relief goods to and from the affected area;

(*iii*) providing evacuation, rescue, temporary shelter or other immediate relief;

(*iv*) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;

(*v*) setting up temporary bridges, jetties and landing places;

(*vi*) providing drinking water, essential provisions, healthcare and services in an affected area;

(*i*) such other actions as may be necessary for disaster management.

40. *Disaster management plan of departments of State*: (*1*) Every department of the State Government in conformity with the guidelines laid down by the State Authority, shall–

(*a*) prepare a disaster management plan which shall lay down the following:—

(*i*) the types of disasters to which different parts of the State are vulnerable;

(*ii*) integration of strategies for the prevention of disaster or the mitigation of its effects or both with the development plans and programmes by the department;

(*iii*) the roles and responsibilities of the department of the State in the event of any threatening disaster situation or disaster and emergency support function it is required to perform;

(*iv*) present status of its preparedness to perform such roles or responsibilities or emergency support function under sub-clause (*iii*);

(*v*) the capacity-building and preparedness measures proposed to be put into effect in order to enable the Ministries or Departments of the Government of India to discharge their responsibilities under section 37;

(*b*) annually review and update the plan referred to in clause (*a*); and

(*c*) furnish a copy of the plan referred to in clause (*a*) or clause (*b*), as the case may be, to the State Authority.

(*2*) Every department of the State Government, while preparing the plan under sub-section (*1*), shall make provisions for financing the activities specified therein.

(*3*) Every department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-section (*1*).

CHAPTER VI

LOCAL AUTHORITIES

41. *Functions of the local authority:* (*1*) Subject to the directions of the District Authority, a local authority shall—

(*a*) ensure that its officers and employees are trained for disaster management;

(*b*) ensure that resources relating to disaster management are so maintained as to be readily available for use in the event of any threatening disaster situation or disaster;

(*c*) ensure all construction projects under it or within its jurisdiction conform to the standards and specifications laid down for prevention of disasters and mitigation by the National Authority, State Authority and the District Authority;

(*d*) carry out relief, rehabilitation and reconstruction activities in the affected area in accordance with the State Plan and the District Plan.

(*2*) The local authority may take such other measures as may be necessary for the disaster management.

CHAPTER VII

National Institute of Disaster Management

42. *National Institute of Disaster Management:* (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette appoint in this behalf, there shall be constituted an institute to be called the National Institute of Disaster Management.

(*2*) The National Institute of Disaster Management shall consist of such number of members as may be prescribed by the Central Government.

(*3*) The term of office of, and vacancies among, members of the National Institute of Disaster Management and manner of filling such vacancies shall be such as may be prescribed.

(*4*) There shall be a governing body of the National Institute of Disaster Management which shall be constituted by the Central Government from amongst the members of the National Institute of Disaster Management in such manner as may be prescribed.

(*5*) The governing body of the National Institute of Disaster Management shall exercise such powers and discharge such functions as may be prescribed by regulations.

(*6*) The procedure to be followed in exercise of its powers and discharge of its functions by the governing body, and the term of office of, and the manner of filling vacancies among the members of the governing body, shall be such as may be prescribed by regulations.

(*7*) Until the regulations are made under this section, the Central

Government may make such regulations; and any regulation so made may be altered or rescinded by the National Institute of Disaster Management in exercise of its powers.

(*8*) Subject to the provisions of this Act, the National Institute of Disaster Management shall function within the broad policies and guidelines laid down by the National Authority and be responsible for planning and promoting training and research in the area of disaster management, documentation and development of national level information base relating to disaster management policies, prevention mechanisms and mitigation measures.

(*9*) Without prejudice to the generality of the provisions contained in sub-section (*8*), the National Institute, for the discharge of its functions, may–

(*a*) develop training modules, undertake research and documentation in disaster management and organise training programmes;

(*b*) formulate and implement a comprehensive human resource development plan covering all aspects of disaster management;

(*c*) provide assistance in national level policy formulation;

(*d*) provide required assistance to the training and research institutes for development of training and research programmes for stakeholders including Government functionaries and undertake training of faculty members of the State level training institutes;

(*e*) provide assistance to the State Governments and State training institutes in the formulation of State level policies, strategies, disaster management framework and any other assistance as may be required by the State Governments or State training institutes for capacity-building of stakeholders, Government including its functionaries, civil society members, corporate sector and people's elected representatives;

(*f*) develop educational materials for disaster management including academic and professional courses;

(*g*) promote awareness among stakeholders including college or school teachers and students, technical personnel and others associated with multi-hazard mitigation, preparedness and response measures;

(*h*) undertake, organise and facilitate study courses, conferences, lectures, seminars within and outside the country to promote the aforesaid objects;

(*i*) undertake and provide for publication of journals, research papers and books and establish and maintain libraries in furtherance of the aforesaid objects;

(*j*) do all such other lawful things as are conducive or incidental to the attainment of the above objects; and

(*k*) undertake any other function as may be assigned to it by the Central Government.

43. *Officers and other employees of the National Institute:* The Central Government shall provide the National Institute of Disaster Management with such officers, consultants and other employees, as it considers necessary, for carrying out its functions.

CHAPTER VIII

National Disaster Response Force

44. *National Disaster Response Force:* (*1*) There shall be constituted a National Disaster Response Force for the purpose of specialist response to a threatening disaster situation or disaster.

(*2*) Subject to the provisions of this Act, the Force shall be constituted in such manner and, the conditions of service of the members of the Force, including disciplinary provisions therefor, be such as may be prescribed.

45. *Control direction, etc.:* The general superintendence, direction and control of the Force shall be vested and exercised by the National Authority and the command and supervision of the Force shall vest in an officer to be appointed by the Central Government as the Director General of the National Disaster Response Force.

CHAPTER IX

Finance, Accounts and Audit

46. *National Disaster Response Fund:* (*1*) The Central Government may, by notification in the Official Gazette, constitute a fund to be called the National Disaster Response Fund for meeting any threatening disaster situation or disaster and there shall be credited thereto—

(*a*) an amount which the Central Govcmmeat may, after due appropriation made by Parliament by law in this bebalf provide;

(*b*) any grants that may be made by any person or institution for the purpose of management.

(*2*) The National Disaster Response Fund shall be made available to the National Executive Committee to be applied towards meeting the expenses for emergency response, relief and rehabilitation in accordance with the guidelines laid down by the Central Government in consultation with the National Authority.

47. *National Disaster Mitigation Fund:* (*1*) The Central Government may, by notification in the Official Gazette, constitute a Fund to be called the National Disaster Mitigation Fund for projects exclusively for the purpose of mitigation and there shall be credited thereto such amount which the Central Government may, after due appropriation made by Parliament by law in this behalf, provide.

(*2*) The National Disaster Mitigation Fund shall be applied by the National Authority.

48. *Establishment of funds by State Government:* (*1*) The State Government shall, immediately after notifications issued for constituting the State Authority and the District Authorities, establish for the purposes of this Act the following funds, namely:—

(*a*) the fund to be called the State Disaster Response Fund;

(*b*) the fund to be called the District Disaster Response Fund;

(*c*) the fund to be called the State Disaster Mitigation Fund;

(*d*) the fund to be called the District Disaster Mitigation Fund.

(*2*) The State Government shall ensure that the funds established—

(*i*) under clause (*a*) of sub-section (*1*) is available to the State Executive Committee;

(*ii*) under sub-clause (*c*) of sub-section (*1*) is available to the State Authority;

(*iii*) under clauses (*b*) and (*d*) of sub-section (*1*) are available to the District Authority.

49. *Allocation of funds by Ministries and Departments:* (*1*) Every Ministry or Department of the Government of India shall make provisions, in its annual budget, for funds for the purposes of carrying out the activities and programmes set out in its disaster management plan.

(*2*) The provisions of sub-section (*1*) shall, *mutatis mutandis*, apply to departments of the Government of the State.

50. *Emergency procurement and accounting*: Where by reason of any threatening disaster situation or disaster, the National Authority or the State Authority or the District Authority is satisfied that immediate procurement of provisions or materials or the immediate application of resources are necessary for rescue or relief,—

(*a*) it may authorise the concerned department or authority to make the emergency procurement and in such case, the standard procedure requiring inviting of tenders shall be deemed to be waived;

(*b*) a certificate about utilisation of provisions or materials by the controlling officer authorised by the National Authority, State Authority or District Authority, as the case may be, shall be deemed to be a valid document or voucher for the purpose of accounting of emergency, procurement of such provisions or materials.

CHAPTER X

OFFENCES AND PENALTIES

51. *Punishment for obstruction, etc.:* Whoever, without reasonable cause—

(*a*) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(*b*) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. *Punishment for false claim:* Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. *Punishment for misappropriation of money of material, etc.:* Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. *Punishment for false warning:* Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude,

leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. *Offences by Departments of the Government:* (*1*) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. *Failure of officer in duty or his connivance at the contravention of the provisions of this Act:* Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written pemission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. *Penalty for contravention of any order regarding requisitioning:* If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. *Offence by companies:* (*1*) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an

offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, Secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

59. *Previous sanction for prosecution:* No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. *Cognizance of offences:* No court shall take cognizance of an offence under this Act except on a complaint made by—

(*a*) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(*b*) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.".

CHAPTER XI

MISCELLANEOUS

61. *Prohibition against discrimination:* While providing compensation and relief to the victims of disaster, there shall be no discrimination on the ground of sex, caste, community, descent or religion.

62. *Power to issue direction by Central Government:* Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Central Government to issue direction in writing to the Ministries or Departments of the Government of India, or the National Executive Committee or the State Government, State Authority, State Executive Committee, statutory bodies or any of its officers or employees,

as the case may be, to facilitate or assist in the disaster management and such Ministry or Department or Government or Authority, Executive Committee, statutory body, officer or employee shall be bound to comply with such direction.

63. *Powers to be made available for rescue operations:* Any officer or authority of the Union or a State, when requested by the National Executive Committee, any State Executive Committee or District Authority or any person authorised by such Committee or Authority in this behalf, shall make available to that Committee or authority or person, such officers and employees as requested for, to perform any of the functions in connection with the prevention of disaster or mitigation or rescue or relief work.

64. *Making or amending rules, etc., in certain circumstances:* Subject to the provisions of this Act, if it appears to the National Executive Committee, State Executive Committee or the District Authority, as the case may be, that provisions of any rule, regulation, notification, guideline, instruction, order, scheme or bye-laws, as the case may be, are required to be made or amended for the purposes of prevention of disasters or the mitigation thereof, it may require the amendment of such rules, regulation, notification, guidelines, instruction, order, scheme or bye-laws, as the case may be, for that purpose and the appropriate department or authority shall take necessary action to comply with the requirements.

65. *Power of requisition of resources provisions, vehicles, etc., for rescue operations, etc.:* (*1*) If it appears to the National Executive Committee, State Executive Committee or District Authority or any officer as may be authorised by it in this behalf that—

(*a*) any resources with any authority or person are needed for the purpose of prompt response;

(*b*) any premises are needed or likely to be needed for the purpose of rescue operations; or

(*c*) any vehicle is needed or is likely to be needed for the purposes of transport of resources from disaster affected areas or transport of resources to the affected area or transport in connection with rescue, rehabilitation or reconstruction,

such authority may, by order in writing, requisition such resources or premises or such vehicle, as the case may be, and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) Whenever any resource, premises or vehicle is requisitioned

under sub-section (*1*), the period of such requisition shall not extend beyond the period for which such resource, premises or vehicle is required for any of the purposes mentioned in that sub-section.

(*3*) In this section,—

(*a*) "resources" includes men and material resources;

(*b*) "services" includes facilities;

(*c*) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(*d*) "vehicle" means any vehicle used or capable of being used for the purpose of transport, whether propelled by mechanical power or otherwise.

66. *Payment of compensation:* (*1*) Whenever any Committee, Authority or officer referred to in sub-section (*1*) of section 65, in pursuance of that section requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely:—

(*i*) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;

(*ii*) if as consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the thirty days to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government or the State Government, as the case may be, to an arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 64 immediately before the requisition, or

where no person was in such actual possession, the owner of such premises.

(*2*) Whenever any Committee, Authority or officer, referred to in sub-section (*1*) of section 65 in pursuance of that section requisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government or the State Government, as the case may be, on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government or the State Government, as the case may be, for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government or the State Government, as the case may be, may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government or the State Government, as the case may be, in this behalf may decide.

67. *Direction to media for communication of warnings, etc.:* The National Authority, the State Authority, or a District Authority may recommend to the Government to give direction to any authority or person in control of any audio or audio-visual media or such other means of communication as may be available to carry any warning or advisories regarding any threartening disaster situation or disaster, and the said means of communication and media as designated shall comply with such direction.

68. *Authentication of orders or decisions:* Every order or decision of the National Authority or the National Executive Committee, the State Authority, or the State Executive Committee or the District Authority, shall be authenticated by such officers of the National Authority or the National Executive Committee or, the State Executive Committee, or the District Authority, as may be authorised by it in this behalf.

69. *Delegation of powers:* The National Executive Committee, State Executive Committee, as the case may be, by general or special order

in writing, may delegate to the Chairperson or any other member or to any officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

70. *Annual report:* (*1*) The National Authority shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament within one month of its receipt.

(*2*) The State Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

71. *Bar of jurisdiction of court:* No court (except the Supreme Court or a High Court) shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken, orders made, direction, instruction or guidelines issued by the Central Government, National Authority, State Government, State Authority or District Authority in pursuance of any power conferred by, or in relation to its functions, by this Act.

72. *Act to have overriding effect:* The provisions of this Act, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law than this Act.

73. *Action taken in good faith:* No suit or prosecution or other proceeding shall lie in any court against the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any officer or employee of the Central Government or the National Authority or the State Government or the State Authority or the District Authority or local authority or any person working for on behalf of such Government or authority in respect of any work done or purported to have been done or intended to be done in good faith by such authority or Government or such officer or employee or such person under the provisions of this Act or the rules or regulations made thereunder.

74. *Immunity from legal process:* Officers and employees of the

Central Government, National Authority, National Executive Committee, State Government, State Authority, State Executive Committee or District Authority shall be immune from legal process in regard to any warning in respect of any impending disaster communicated or disseminated by them in their official capacity or any action taken or direction issued by them in pursuance of such communication or dissemination.

75. *Power of Central Government to make rules:* (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the composition and number of the members of the National Authority under sub-section (*2*), and the term of office and conditions of service of members of the National Authority under sub-section (*4*), of section 3;

(*b*) the allowances to be paid to the members of the advisory committee under sub-section (*2*) of section 7;

(*c*) the powers and functions of the Chairperson of the National Executive Committee under sub-section (*3*) of section 8 and the procedure to be followed by the National Executive Committee in exercise of its powers and discharge of its functions under sub-section (*4*) of section 8;

(*d*) allowances to be paid to the persons associated with the sub-committee constituted by the National Executive Committee under sub-section (*3*) of section 9;

(*e*) the number of members of the National Institute of Disaster Management under sub-section (*2*), the term of the office and vacancies among members and the manner of filling such vacancies under sub-section (*3*) and the manner of constituting the Governing Body of the National Institute of Disaster Management under sub-section (*4*) of section 42;

(*f*) the manner of constitution of the Force, the conditions of service of the members of the Force, including disciplinary provisions under sub-section (*2*) of section 44;

(*g*) the manner in which notice of the offence and of the intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government or the other authority or officer under clause (*b*) of section 60;

(*h*) the form in which and the time within which annual report is to be prepared under section 70;

(*i*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

76. *Power to make regulations:* (*1*) The National Institute of Disaster Management, with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) powers and functions to be exercised and discharged by the governing body;

(*b*) procedure to be followed by the governing body in exercise of the powers and discharge of its functions;

(*c*) any other matter for which under this Act provision may be made by the regulations.

77. *Rules and regulations to be laid before Parliament:* Every rule made by the Central Government and every regulation made by the National Institute of Disaster Management under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised of one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

78. *Power of State Government to make rules:* (*1*) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the composition and number of the members of the State Authority under sub-section (*2*), and the term of office and conditions of service of the members of the State Authority under sub-section (*5*), of section 14;

(*b*) the allowances to be paid to the members of the advisory committee under sub-section (*2*) of section 17;

(*c*) the powers and functions of the Chairperson of the State Executive Committee under sub-section (*3*), and the procedure to be followed by the State Executive Committee in exercise of its powers and discharge of its functions under sub-section (*4*) of section 20;

(*d*) allowances to be paid to the persons associated with the sub-committee constituted by the State Executive Committee under sub-section (*3*) of section 21;

(*e*) the composition and the number of members of the District Authority under sub-section (*2*), and the powers and functions to be exercised and discharged by the Chief Executive Officer of the District Authority under sub-section (*3*) of section 25;

(*f*) allowances payable to the persons associated with any committee constituted by the District Authority as experts under sub-section (*3*) of section 28;

(*g*) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

(*3*) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House before that House.

79. *Power to remove difficulties:* (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government or the State Government, as the case may be, by notification in the Official Gazette, make order not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or the Legislature, as the case may be.

SESSIONAL REVIEW

FOURTEENTH LOK SABHA

SIXTH SESSION

The Sixth Session of the Fourteenth Lok Sabha, which commenced on 23 November 2005, was adjourned *sine die* on 23 December 2005. The House was prorogued on 28 December 2005. In all, there were 23 sittings during the period.

A resume of some of the important discussions held and other business transacted during the period is given below:

A. STATEMENTS/ DISCUSSIONS

Statement by the Prime Minister regarding an interview given to a TV channel by the Indian Ambassador to Croatia: Making a Statement in the House on 2 December 2005, the Prime Minister Dr. Manmohan Singh stated that he had been informed that the Indian Ambassador to Croatia, in an interview given to a TV channel, had made certain remarks regarding the alleged involvement of certain individuals in the matter which was currently under inquiry by the Justice Pathak Inquiry Authority as part of its mandate to inquire into certain transactions mentioned in the Volcker Committee Report. He said that it was a matter of concern that the Ambassador's statements related to transactions under investigation besides referring to Shri Natwar Singh and other individuals. He further stated that the Enforcement Directorate which was also investigating the matter, had assured the Government that their investigations were proceeding on the right track and they would be able to establish the facts expeditiously. The Prime Minister said that ever since the first mention was made of the involvement of certain Indian entities and individuals in the Volcker Committee Report as non-contractual beneficiaries in the Oil-for-Food programme, the Government had been firm, consistent and clear in its stand on the matter. He further stated that the references as they were found in the Volcker Committee's report, were 'unverified references'. In order to unearth the facts, Mr. Justice R.S. Pathak was appointed to inquire into the two specific contracts, which were of relevance. He was given full

powers, in the manner, he desired, to complete the inquiry speedily and effectively. He urged that one should not pre-judge the final outcome of the investigation or pre-empt the findings that may be given by the Inquiry Authority. Concluding the Statement, the Prime Minister assured that the Government believed in maintaining high standards of probity and transparency in public life and that no one who was guilty would go unpunished.

Statement by the Minister of Commerce and Industry regarding the outcome of the WTO negotiations at the Sixth Ministerial Conference held in Hong Kong from 13-18 December 2005: Making a Statement in the House on 21 December 2005, the Minister of Commerce and Industry, Shri Kamal Nath stated that during the Conference, India was proactive in articulating its position on issues of concern to her and other developing countries, especially in the G-20 Alliance and G-33 Alliance. India played a key role in further strengthening the developing countries' coalitions by bringing together G-20, G-33 and G-90 groups of countries in a grand alliance to reinforce each other's position on issues of mutual interest. India also enabled the formation of NAMA 11, a group of countries such as India, Brazil, Argentina, South Africa, Indonesia, etc., to pursue and integrate meaningfully the Special and Differential Treatment issues in Non-Agricultural Market Access matters.

The Minister stated that the Hong Kong Ministerial Declaration finally agreed upon, addressed India's core concerns and interests and provided enough negotiating space for future work leading up to modalities. The text of the Declaration had positive development content, which needed to be built upon and fully realised in the next stage of negotiations.

The principal elements of the text, Shri Kamal Nath said, represented significant gains for India. With regard to Domestic Support in agriculture, developing countries like India with no Aggregate Measurement of Support (AMS), commitments would be exempted from any cuts on their *de minimis* support. All forms of export subsidies by developed countries and other export measures with equivalent effect would be eliminated by the end of 2013, with the substantial part eliminated by the middle of the implementation period, *i.e.*, 2010. Developing countries like India would continue to benefit from the provisions of Article 9.4 of the Agreement on Agriculture, *i.e.*, they shall be able to continue to provide marketing and transport subsidies for five years after elimination of export subsidies, *i.e.*, up to 2018. Shri Kamal Nath further stated that to safeguard the farmers against surge in imports or fall in international prices, developing countries would have recourse to a Special Safeguard

Mechanism with both import quantity and price triggers. He informed the House that export subsidies, specifically on cotton, by developed countries would be fully eliminated in 2006.

As regards Non Agricultural Market Access (NAMA), the Minister said the Declaration called for a Swiss Formula with coefficients. This formulation preserved the ABI formula submitted by Argentina, Brazil and India for multiple coefficients based on each country's tariff average. The Declaration also reiterated that Special and Differential Treatment for developing countries be maintained through the principle of less than full reciprocity in reduction commitments and the flexibilities to exclude a certain percentage of tariff lines from tariff cuts. Shri Nath said it was agreed that tariff peaks, tariff escalations and high tariffs on products of export interest to developing countries be either reduced or eliminated. It was also agreed that participation in the sectoral initiatives to reduce or eliminate tariffs would be on a non-mandatory basis.

Referring to the Services, the Minister said that the developing countries would have adequate policy space and necessary flexibility to pursue their developmental objectives. India agreed to the removal or substantial reduction of the Economic Needs Test. This, he added, had been one of the principal barriers to export of Services from the developing countries, and had been a long-standing demand of India. The Declaration also noted the amendment to the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement to incorporate the Public Health concerns. On the implementation issues relating to TRIPS and the Convention on Biodiversity, and extension of the protection of Geographical Indications, Shri Nath said that the Declaration called for intensification of consultations so that the General Council could take appropriate action by 31 July 2006.

As part of the Special and Differential Treatment, the Minister stated that the member nations agreed to the five Least Developed Countries (LDC) specific proposals, including the one relating to provision of duty-free and quota-free market access in developed countries for products originating from LDCs. He said that it was directed that on the remaining proposals, the recommendations be made by December 2006.

Statement by the Minister of External Affairs regarding the Thirteenth SAARC Summit held in Dhaka from 12-13 November 2005: Making a Statement in the House on 30 November 2005, the Minister of State in the Ministry of External Affairs, Shri E. Ahamed stated that India participated actively in both the preparations for the Summit as well as in its deliberations at Dhaka. The major achievements of the Summit

were in consonance with India's objectives and provided new opportunities to further the process of regional economic integration in South Asia.

The Minister said that during the Summit, the Prime Minister, Dr. Manmohan Singh put forward a bold new vision of a SAARC, where political divisions did not stand in the way of free movement of peoples, goods and services and ideas, across the region. In this context, the Prime Minister offered, on a reciprocal basis, transit facilities to all countries of the region and also greater air connectivity through a 'virtual open skies' arrangement. India also took the lead in drafting a strong political message that there should be no delay in the operationalisation of the South Asia Free Trade Area (SAFTA) Agreement.

Recalling that India had taken a strong initiative to ensure the entry of Afghanistan as a new member of SAARC, Shri Ahamed said that the consensus decision taken by the SAARC Heads of State and Government to welcome Afghanistan as eighth member of the SAARC was a major success for the Indian diplomacy. He said that the Summit noted the renewed interest of other regional and international organizations, bodies and entities to cooperate with SAARC in the fields of mutual interest. India welcomed the interest shown by China as well as Japan to be associated with SAARC as Observers.

Recognizing the need for a permanent regional response mechanism dedicated to disaster preparedness, emergency relief and rehabilitation, the Summit accepted the offer made by India for hosting the SAARC Centre for Disaster Management and Preparedness. The Minister noted that India's record and demonstrated capabilities in this regard helped in ensuring the success of the proposal to host the Centre in India. This Centre, he added, would be closely associated with the National Institute for Disaster Management in Delhi. He further said that the proposal made by India for the setting up of a South Asia University that would bring together scholars, scientists and students from all over the South Asia in a centre of excellence was also welcomed enthusiastically. The Summit also noted with appreciation some other important proposals made by India, such as the setting up of a Regional Food Bank, a Regional Tele-medicine Network, and the holding of a SAARC Car Rally in the run up to the 14th SAARC Summit, to be held in India in the first quarter of 2007.

The Minister stated that there was a very strong condemnation of terrorism in the Summit Declaration and a renewed commitment to eliminate this scourge, both from the region as well as from the world. For the first time, there was a clear reference to avoid double standards in tackling this collective challenge. Shri Ahamed said that it was a

major achievement of the Summit, entirely in line with India's foreign policy objectives.

The Summit, Shri Ahamed said, was also notable for the signing of three very important trade facilitation agreements, namely (i) Agreement on Mutual Administrative Assistance in Customs Matters; (ii) The Agreement on the Establishment of SAARC Arbitration Council; and (iii) The Limited Agreement on Avoidance of Double Taxation and Mutual Administrative Assistance in Tax matters. With the implementation of these Agreements, the regional economic cooperation within SAARC would receive a major boost.

Discussion under rule 193 regarding the Statements laid on the Table of Lok Sabha by the Minister of State in the Ministry of Home Affairs on 28 November 2005 regarding (i) serial bomb blasts in Delhi on 29 October 2005; (ii) terrorist violence in Jammu and Kashmir; (iii) Naxalite attacks that took place in Jehanabad, Bihar on 13 November 2005; and (iv) Naxalite attacks that took place at the Home Guard Training Center Giridih, Jharkhand on 11 November 2005: The discussion in this regard took place in the House on 1, 7, and 8 December 2005. Initiating the discussion on 1 December 2005, Prof. Vijay Kumar Malhotra of the Bharatiya Janata Party (BJP) said that the statement of the Home Minister was indicative of the apathetic attitude of the Government. Though the Government had been sounded about such attacks likely to be made in Delhi, it failed in its duty to protect people. Referring to the statements made by the Prime Minister and Home Minister after the Delhi Bomb Blast incidents that the terrorists would not be allowed to succeed in their efforts, Prof. Malhotra said India was worst hit by the terrorism in the world and wanted to know whether the terrorism would ever be stumped out from India. Referring to the statement that the incident of bomb blasts in Delhi was the result of the frustration of the terrorists, he felt, the reply of the Government cannot be a solace to the people. Regarding terrorist violence in Jammu and Kashmir, Prof. Malhotra said that a large number of people had been killed after the assumption of office by Shri Ghulam Nabi Azad as Chief Minister. The situation could not be justified by taking the plea that hundreds of terrorists had sneaked into the Indian territory when the border was opened to dispatch relief materials to Pakistan as part of Confidence Building Measures. He alleged that the financial assistance provided on humanitarian ground in the aftermath of the earthquake to reconstruct the devastated infrastructure was used by Pakistan to reconstruct its destroyed and damaged terrorist bases, besides buying arms against India. Prof. Malhotra charged that India had become a soft target for terrorist attacks. While other countries had enacted laws to

deal with terrorism, the only law, the Prevention of Terrorism Act (POTA) enacted by the NDA Government to counter terrorism had been withdrawn. Referring to Naxalite activities, he alleged that Naxalism was being exported from the neighbouring country Nepal. He also alleged that Naxalism was on the rise under the UPA Government and said that due to lack of political will, the Government had failed to curb terrorism in the country.

Intervening in the discussion, the Minister of State of the Ministry of Science and Technology and Minister of State of the Department of Ocean Development, Shri Kapil Sibal said that terrorism was a global phenomenon and must be dealt with unitedly. It was time to think about ways and means of empowering the enforcement authorities to enable them to get enough and sufficient information through technology to find out the likelihood of such attacks in future.

Prof. Ram Gopal Yadav (SP) demanded that more allocations be made for the purchase of sophisticated equipment to check the loss of property and life as a result of the terrorist activities. He said that there was a need to have electronic surveillance, to intensify patrolling on borders and to equip the intelligence with sophisticated weapons. As regards Naxalite attacks, Prof. Yadav said that the need was to find out the root cause of the movement and see why they were forced to indulge in such activities. As the problem existed where there was poverty, efforts should be made to provide land to the tiller to solve the problems of poverty and unemployment. Also, schools should be opened in the remote areas so that the people could be educated and brought into the mainstream. The State Governments and the Centre should undertake this task jointly, he added.

Shri Anant Gangaram Geete (Shiv Sena) said that earlier terrorism was confined to Jammu and Kashmir but today it had spread its wings through every nook and corner of our country. The need of the hour was to create fear of the Government and the law in the mind of the terrorists. Unless the Government formulated a stringent law in this regard and proved its grit and determination to tackle terrorism, it would not be rooted out.

Shri Ramdas Athawale (RPI-A) extended full co-operation to the Government to enact laws to curb terrorism.

Replying to the discussion* on 8 December 2005, the Minister of

* Others who participated in the discussion were: Sarvashri Ajoy Chakraborty, Nikhilananda Sar, Ganesh Prasad Singh, B. Mahtab, Yogi Aditya Nath, Nikhil Kumar, Tapir Gao, Bir Singh Mahato, Ilyas Azmi, Avinash Rai Khanna, and Dr. Rattan Singh Ajnala

Home Affairs, Shri Shivraj V. Patil said that it was necessary to adopt a holistic approach to the problem of internal security. He urged that the matter relating to internal security should not be talked in terms of Districts only but in terms of villages or police *thanas.* The number of affected police *thanas* would give a more correct picture. He said that it was really very important that one should assess the internal security situation by comparing the scenario today with the one, which existed in the past. Elaborating the steps taken to strengthen the police force, Shri Patil said that increasing the number of men and officers in the police through the States was going on. Nearly 250 battalions were likely to be raised. The Naxal-affected States like Andhra Pradesh, Jharkhand, Chhattisgarh, Maharashtra, Bihar, a few districts of Uttar Pradesh, Uttaranchal and a few places in Madhya Pradesh had been given 26 battalions. They were expected to be used by the State Governments in order to control the Naxalite activities. Nearly Rs. 3,000 crore were being spent on modernizing the forces. These funds, he said, were given to the State Governments, but the bigger States had not used the funds. He urged the States to utilize the amount for having more police stations and for giving better training, equipment, communication facilities and armoured vehicles to the police force.

Shri Patil appreciated the suggestion given by the members that the State Governments be asked to take up the issue of land reforms, distribution of land, tenancy laws, ceiling laws and urged the members to ask their own State Governments to pay attention to this aspect. These reforms and laws had to be implemented by the State Governments. The Minister noted that wherever land reforms had taken place in a proper manner, the level of violence was lower. He further stated that strengthening the police force alone was not sufficient; it was also necessary to bring about economic development. This could not be done by the State Governments or the Union Government only. It had to be done by the entire society as such.

Referring to the repeal of POTA, Shri Patil said that the Government was in a position to control terrorist activities without POTA. There were many existing laws like, Indian Penal Code, Unlawful Assemblies Act, Armed Forces Special Power Act, etc. to tackle this problem. Whatever was in POTA was there in the other laws. He said that the situation in Jammu and Kashmir and in the North-Eastern States had improved.

As regards Naxalite activities, the Minister said that Jehanabad was one of the issues and there were other places in Bihar also. The remedy for all these things was an effective intelligence. Although intelligence was available at the national and international levels, but unfortunately,

the State intelligence and the local intelligence were not available. He said that it was necessary to develop local intelligence and it had to be developed through local machinery available there and that kind of local intelligence would be operational intelligence. He further said that the Government was thinking of providing security in mega cities as well as the small cities. Concluding his reply, the Minister said that terrorists create terror and live on terror. He urged that unwittingly one should not contribute towards increasing the terror by exaggerating the facts. The approach should be to criticise the terror and terrorists and to find out the causes and suggest solutions.

Discussion under rule 193 regarding need to improve the infrastructure at Airports in view of increase in passenger and cargo traffic: Initiating the discussion on the subject on 20 December 2005, Shri Kharabela Swain of the Bharatiya Janata Party (BJP) said that in India the mass mode of transport had always been the road sector or the railway sector, but air travel was going to be the mass mode of transport in the days to come. Economically, India was also going to be a super power. To attract foreign tourists, the aviation sector had to grow. Shri Swain said that India had opened up the aviation sector to a great extent in the last couple of years and enquired whether India had the infrastructure that was required to manage the ever-growing sector of civil aviation? He said that earlier the Indian Airlines had the monopoly in this sector. Now, there were many other private airlines in the business. Over the next five years, the Indian aviation sector would grow at an annual average of 25 per cent. Speaking on the problems ailing the civil aviation sector, Shri Swain said that there were 80 operational airports in India and most of them did not have adequate infrastructure. In some of the airports, minor tasks like acquisition of 50 acres of land were pending for years together. The two major airports–Mumbai and Delhi–which accounted for more than 60 per cent of the total cargo and air passenger traffic in the country did not have the necessary infrastructure. These airports required advanced air traffic management, upgraded software, and new parking space. Another problem, he said, was that most of the airlines wanted to park their aircraft only in Delhi and Mumbai, which was creating further congestion in these two major international airports of the country. He further stated that Mumbai airport handled 30 per cent of all the arrivals and departures but in Mumbai one could find that at one point of time there would be only one landing or one take off. In the West many aircrafts land and take off at the same time. Though both Delhi and Mumbai airports have the second runway, these remained almost unutilized. Referring to the shortage of manpower, Shri Swain said that the main thing required at an airport

was the fast clearance of the passengers. If the passengers could be cleared faster, more money could be earned. He urged the Minister to ensure that passenger take-in and take-off could be improved even with the existing infrastructure through better management. He asked the Minister whether more terminals were going to be added to the existing strength. Referring to the shortage of pilots, Shri Swain said that India needed 3,000 pilots, which would be double the existing numbers. There was only one pilot training institute in Amethi and wanted to know what was being done to meet the shortage of pilots. He also urged the Minister to train the pilots who would be able to land their aircraft even through the densest of the foggy situation.

Shri Kinjarapu Yerrannaidu (TDP) said that there was not a single airport comparable to the world-class airport. Most of the airports–even those at Delhi and Mumbai–were being run with a single runway. He urged the Government to develop airport infrastructure at both metro and non-metro cities.

Prof. M. Ramadass (PMK) said that the Union territory of Pondicherry did not have an airport. There was a small airstrip, which had become non-functional. If a small area adjacent to Tamil Nadu was acquired, airport services could be resumed there and it would definitely benefit the development of Pondicherry.

Replying to the discussion*, the Minister of State of the Ministry of Civil Aviation, Shri Praful Patel said that airport infrastructure was the single biggest challenge in trying to provide air connectivity to the masses. Though foundation for infrastructure in the country had been laid, but that infrastructure was far from adequate. He further said that ever since the sector had been deregulated it has seen a sea change in growth. The airport infrastructure needs in the country, in the long run, could not be met entirely by the Government and its own resources. Referring to India's first green field airport in Kochi in Kerala, the Minister said that the model demonstrated to the entire country and to the world that private sector participation could also bring a world-

* Others who participated in the discussion were: Sarvashri Shailendra Kumar, Tathagata Satpathy, Mohammad Salim, Chandrakant Khaire, Aruna Kumar Vundavalli, Prabodh Panda, A. Krishnaswamy, Varkala Radhakrishnan, Shripad Yasso Naik, Manvendra Singh, Ram Kripal Yadav, Sunil Kumar Mahato, Suresh Prabhakar Prabhu, Vinod Khanna, P.S. Gadhavi, Manoranjan Bhakta, Suravaram Sudhakar Reddy, P. Karunakaran, Virendra Kumar, Suresh Angadi, Munshiram, Pawan Kumar Bansal, C.K. Chandrappan, Avinash Rai Khanna, P.C. Thomas, Bhanu Pratap Singh Verma, Girdhari Lal Bhargav, Hansraj Gangaramji Ahir, Chandra Sekhar Sahu, Ch. Lal Singh, Dr. Tushar A. Chaudhary, Dr. Chinta Mohan, Prof. Rasa Singh Rawat and Smt. Sumitra Mahajan

class product, good service and good convenience to the people who use those airports. Shri Patel stated that plans were afoot to develop Mumbai and Delhi in a special way. A joint venture exercise through a public-private partnership for a limited period of time had been envisaged. Speaking on the future growth of the civil aviation sector, the Minister said that the single largest challenge before the Ministry of Civil Aviation and the Government of India was to build an infrastructure of world-class standards in the shortest possible time. Simultaneously, infrastructure also needed to go hand-in-hand with regulatory issues because the safety and security of the people who use the airlines was also of paramount importance. In this context, the Directorate-General of Civil Aviation, the governing regulatory authority, needed to be strengthened. Shri Patel said that the challenge was not only in building a good airport in terms of a terminal or a runway but also to see that all the technology was upgraded to the standards to meet the challenges in future. Referring to the regulatory and economic issues, the Minister said that there was a proposal to bring in a regulatory authority on the lines of Telecom Regulatory Authority of India (TRAI) for the telecom and Central Electricity Regulatory Commission (CERC) for the power sector. The Airport Economic Regulatory Authority was also going to be set up very soon. Shri Patel clarified that Mumbai and Delhi airports were not the area of focus only and said about 25 airports have been identified as select non-metro airports to be given treatment of world-class airport standards. Regarding the shortage of pilots, the Minister said that the Indira Gandhi Rashtriya Udaan Academy (IGRUA) at Fursatganj at present had an intake of about 50 pilots at one time. Efforts would be made to double the capacity from 50 to 100. The Government was proposing to start a second Academy in Gondia, Maharashtra. The Government was also in the process of encouraging more flying-training schools across the country and there was no bar or ban on opening of new flying schools. The pilots' shortage, he said, had been temporarily met by allowing foreign pilots to be brought in so that the civil aviation activities were not stopped. The age limit of pilots had also been increased from 60 to 61 years in the first attempt and after watching a year's experience, it had been raised from 60 to 65 years, provided the second pilot was less than 60 years of age.

B. LEGISLATIVE BUSINESS

The National Tax Tribunal Bill, 2004: Moving the motion for the consideration of the Bill on 29 November 2005, the Minister of Law and Justice, Shri H.R. Bhardwaj stated that the Bill aimed at establishing the National Tax Tribunal which would have jurisdiction to deal with

disputes concerning both direct and indirect tax laws. The objective behind the setting up of this Tribunal was to speed up disposal of cases relating to direct and indirect tax matters. The Minister said that the National Tax Tribunal would hear appeals from orders passed by the Income Tax Appellate Tribunal and the Customs, Excise and Service Tax Appellate Tribunal on a substantial question of law. Presently, an appeal lay with the High Court on a substantial question of law from the decision of the Income Tax Appellate Tribunal or Customs, Excise and Service Tax Appellate Tribunal, as the case may be. After the enactment of the National Tax Tribunal Act, all cases pertaining to direct and indirect tax pending before the High Court shall stand transferred to the National Tax Tribunal from such date as may be notified by the Central Government. To begin with, Shri Bhardwaj said the Tribunal would have at least 15 benches for direct tax matters and 10 benches for indirect tax matters so that cases, which stand transferred from the High Courts, could be disposed of quickly.

Elaborating on the composition of the Tribunal, the Minister said the Tribunal shall consist of a Chairperson and such number of members as the Central Government may deem fit. The Chairperson of the Tribunal shall be a person who has been a Judge of the Supreme Court or the Chief Justice of a High Court. A person to be appointed as Member should be the one who is or has been eligible to be a Judge of a High Court or a person who is or has been a Member of the Income Tax Appellate Tribunal or of the Customs, Excise and Service Tax Appellate Tribunal for at least seven years. The Chairperson and Members shall be appointed by the Central Government on the recommendations of a Selection Committee consisting of Chief Justice of India or a Judge of the Supreme Court to be nominated by him, Secretary in the Ministry of Law and Justice (Department of Legal Affairs) and Secretary in the Ministry of Finance (Department of Revenue).

Participating in the discussion, Prof. M. Ramadass (PMK) said that the Bill be called the National Revenue Tribunal Bill because out of the total revenue, the non-tax revenue constituted only five to six per cent of the total revenue and the remaining revenue came from the taxes only. He expressed concern that Section 15 might go contrary to the WTO regime. As regards the appointment of the members to the Committee, he wanted to know why the technical persons were not included in the provision and said that the persons retired from the Indian Economic Service may also be considered along with judicial officers and persons from Income Tax Appellate Tribunal, etc. He added that the Bill was silent about the number of benches. He suggested that

section 13 should include a party to an appeal other than the Government who may either appear in person or authorize one or more "company secretaries, cost and works accountants, chartered accountants or advocates".

Replying to the discussion*, the Minister of Law & Justice, Shri H.R. Bhardwaj said that the National Tax Tribunal would primarily deal with the appeals that arise out of the two Tribunals already set up– the Customs and Excise and Service Tax under the jurisdiction of the Finance Ministry, and the Income Tax Appellate Tribunal under the jurisdiction of the Law Ministry. He clarified that the Tribunal would be exclusively under the domain of an independent Ministry, namely, the Law Ministry. As far as selection was concerned, he said that the selection process was foolproof. The component of judicial consultation had been kept at a very high level. On the issue of age, he said that Clause 6 (1) of the Bill provided that the Chairperson shall be a person who has been a Judge of the Supreme Court or the Chief Justice of a High Court. He observed that as the retirement age of the Supreme Court judges was 65 and of the High Court judges was 62, the age in the Tribunals could not be kept less than 68 because then the Supreme Court judges would not come to the Tribunal. The Minister informed the House that as on 1 April 2006, there were about 41,471 cases pending in different High Courts and these would be transferred to these Tribunals. Allaying the apprehension of the members, Shri Bhardwaj said that when these 25 Benches would be constituted; it has to be provided that the Principal Bench would sit in Delhi and then they would spread out according to the location of work. The Bill also had provision for temporary arrangement of a Circuit Bench before 15 days. Moreover, the number of Permanent Benches could be increased if the workload required.

The motion for consideration of the Bill was moved. Clauses, etc. were adopted and the Bill, as amended, was passed.

*The Disaster Management Bill, 2005***:* The discussion on the Bill was held on 9 and 12 December 2005. Moving the motion for consideration of the Bill on 9 December 2005, the Minister of Home Affairs, Shri Shivraj V. Patil said that the Bill provided for creating a National

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* Others who participated in the discussion were: Sarvashri Vijayendra Pal Singh, K.S. Rao, Varkala Radhakrishnan, Shailendra Kumar, Ram Kripal Yadav, Suresh Prabhakar Prabhu, Bhartruhari Mahtab, C.K. Chandrappan, Bachi Singh Rawat, S.K. Kharventhan, P.S. Gadhavi, Kharabela Swain and P.C. Thomas

** The Bill, as passed by Rajya Sabha, was laid on the Table of Lok Sabha

Disaster Management Authority at the national level, a State Disaster Management Authority at the State level and a District Disaster Management Authority at the third level and a Local Disaster Management Committee at the fourth level. The National Disaster Management Authority and the State Disaster Management Authority would be presided over and chaired by the Prime Minister and the Chief Minister respectively. The District Disaster Management Authority would be presided over by two chairpersons–the District Collector and the head of the elected body of the District. At the local level, the local body, which had a representative of the people, would ensure that the policies made were implemented. There were nine members to be appointed in the National Disaster Management Authority.

Elaborating the functions to be discharged by the authorities and committees, Shri Patil said that the main function of the National Disaster Management Authority was to visualize as to how the disasters could be managed and to formulate the policies, which could be adopted at the national level and followed at the State and District levels. They were also expected to prepare the plans that would be kept ready to be followed. Speaking on the funding arrangement, the Minister said that the funds would be kept at the disposal of the National Disaster Management Authority, at the State Disaster Management Authority and at the District Disaster Management Authority. He further said that whenever a disaster occurred, the first step was to give the relief. The second was to give a temporary shelter or relief for a period of one month to three years. And, the third step was to reconstruct all that had been damaged. For this purpose, separate funds could be given by the Government of India or the State Government. He added that special authority was provided to the people, who were actually in the field and trying to help the people affected by the disaster. The nature of the work to be done by the National Disaster Management Authority was akin to that of the Planning Commission and the Atomic Energy Commission. Shri Patil clarified that the law did not limit the jurisdiction of the State Governments. The State Governments were at liberty to make use of this law or to frame their own laws provided it was not contrary to the national law.

Participating in the discussion, Shri Asaduddin Owaisi (AIMIM) said that whenever a national disaster took place, the women and children were the biggest sufferers. He urged that the Ministry of Woman and Child Development should also be included in the National Executive Committee.

Intervening in the discussion, Smt. Renuka Chowdhury, Minister of

State of the Ministry of Tourism, said that in a disaster situation, the Election Commission also had to be notified. Narrating her experience, she said that during the flood in her constituency when the relief measures were being handed out, they were told that they had no right to hand out any relief measure because the Election Code was applicable. She said that it was an extreme case that required to be addressed.

Replying to the discussion*, the Minister of Home Affairs, Shri Shivraj V. Patil stated the reason as to why the President of the *Zila Parishad* should be a Co-chairman of the District body and not be made the Chairman of the District-level Authority. He said that the *Zila Parishads, Panchayat Samitis, Gram Panchayats* and municipalities have come into existence under the laws made by the States. Hence, their jurisdiction was limited to the subjects given to them under the laws, whereas the Prime Minister and the Chief Minister, the Chairpersons of National level and State level authority, had the jurisdiction, which extended to all the activities of the Union Government and the State Government respectively.

The Minister said that when the district planning committees were created in some States it was suggested that the President of the *Zila Parishad* should chair those committees, but then it was found that the officers, who were working with the State Governments, were not subjected to the authority of the President of the *Zila Parishad* or *Zila Parishad* as such and it was difficult for the President of the *Zila Parishad* to issue orders to them. Therefore, the District Collector and the President of *Zila Parishad* were made the Chairpersons. Hence, the matters, which were within the jurisdiction of the *Zila Parishad* could be controlled by the President of the *Zila Parishad* and the matters, which were within the jurisdiction of the State Government, which had to be done at the district level, would be under the control of the District Collector.

Regarding inclusion of the people's representatives in the body, the Minister said that the law did not prohibit the Union Government or the State Government from appointing any MP or MLA as the member of a District Disaster Management Authority or the State Disaster

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* Others who participated in the discussion were: Sarvashri Santosh Gangwar, Varkala Radhakrishnan, Mohan Singh, Vijayendra Pal Singh, A.K.S. Vijayan, Sandeep Dikshit, Anant Gudhe, Sugrib Singh, Alok Kumar Mehta, Bachi Singh Rawat, Madan Lal Sharma, Shailendra Kumar, Bikram Keshari Deo, Lakshman Seth, Kashiram Rana, Madhusudan Mistry, Ch. Lal Singh, Ch. Bijendra Singh and Dr. R. Senthil

Management Authority or the National Disaster Management Authority. In the Sub-Committees and the Advisory Committees, the MPs could be invited to sit as the members at the National level, at the State level and at the District level. They could also be involved through the system of Advisory Committees to advise the District Bodies as well as the State and National Bodies to prepare plans, which would ultimately be part of the National Plan. But to make them *ex-officio* members of these bodies was not practicable and possible, because the numbers were asymmetrical.

Shri Patil said that this was one of the new institutions, which had the authority, to take steps to help the people in giving relief and later on in preparing plans for reconstruction and rehabilitation at every level. He further said that the lives of thousands of people were affected when disasters occurred. It was therefore necessary for each and every person having any authority in the district or anywhere else to be very prompt, if the responsible officers did not understand that, they would be held responsible. He added that the National Disaster Management Authority would also help other countries and receive help from other countries.

The motion for consideration of the Bill was moved. Clauses etc. were adopted and the Bill was passed.

The Andhra Pradesh Legislative Council Bill, 2004: Moving the motion for the consideration of the Bill on 15 December 2005, the Minister of Law and Justice, Shri H.R. Bhardwaj stated the Legislative Assembly of Andhra Pradesh had passed a Resolution on 8 July 2004, in terms of article 169 (I) of the Constitution for the creation of a Legislative Council in that State. The present Bill sought to provide for the creation of Legislative Council in the State of Andhra Pradesh with a total strength of 90 members.

The Minister said that the constitution of the Legislative Council was the same, as it had existed prior to its abolition, except for the representation therein of local bodies constituting the local authorities' constituency. The Andhra Pradesh Legislative Council Bill, 2004, was referred to the Departmentally-related Parliamentary Standing Committee for examination and report. The Committee recommended a re-look on the issue of the enrolment of primary teachers in teachers' constituencies. In this context, it may be added that the issue of providing voting rights to Primary School Teachers in the Legislative Council had been under consideration since 1957 but no decision had been possible in the absence of consensus among the concerned bodies. The Government,

therefore, was not accepting the recommendation and was proceeding with the Bill as suggested by the Resolution of the Legislative Assembly.

Opposing the Bill, Shri Kinjarapu Yerrannaidu (TDP) said that the Legislative Council was only an advisory body. The concerned State Assembly might not accept its suggestions. There would be lot of burden on the State Exchequer. The Bill was politically motivated to accommodate those who could not be elected in the last election.

Supporting the Bill, Shri Asaduddin Owaisi (AIMIM) said that in the recent Assembly and Parliamentary elections, the Congress Party had promised that if the party got mandate, the Legislative Council would be restored in the State. The Bill intended to fulfil the promise made. As regards the Telangana issue, he urged that the second State Re-organization Commission be set up.

Winding up the discussion*, the Minister of Law & Justice, Shri H.R. Bhardwaj stated that the Constitution provided for a federal structure and the Parliament had certain areas in which it has the competence to legislate. In areas where the Parliament did not have the competence to legislate, it was for the States to legislate. In 1985 respecting the Resolution passed by the Andhra Pradesh Legislative Assembly, the Legislative Council was abolished. The present Bill was moved to re-create the Legislative Council because a Resolution to this effect was passed by the Assembly of the State.

The motion for consideration of the Bill, Clauses, etc. were adopted and the Bill, as amended, was passed.

The Commissions for Protection Of Child Rights Bill, 2005: The discussion on the Bill took place on 20 and 21 December 2005. Moving the motion for the consideration of the Bill on 20 December 2005, the Minister of State in the Ministry of Human Resource Development, Shrimati Kanti Singh said that India has the largest child population in the world. There had been increase in the incidents of neglect and exploitation of the children due to poverty, social evils and violation of traditional social values. The Government was committed to give the children opportunities and facilities to develop in a healthy atmosphere with required freedom and dignity, and to ensure that their constitutional and legal rights were protected**. Mentioning the measures taken by the

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* Others who participated in the discussion were: Sarvashri Bikram Keshari Deo, K.S. Rao, Varkala Radhakrishnan, Mohan Singh, Bhartruhari Mahtab, Vijayendra Pal Singh, G. Venkatswamy, Suravaram Sudhakar Reddy, Ravinder Naik Dharavath, Shailendra Kumar, Kharabela Swain, Dr. Rattan Singh Ajnala, Dr. Babu Rao Mediyam and Prof. K.M. Kadermohideen

** Excerpts from Statement of Objects and Reasons of the Bill

Government in this regard, the Minister said that in 1974 a National Policy on Children was notified. Subsequently, Five-Year Plans allocated resources for providing a healthy environment for the growth and the development of the children. On 11 December 1992, India signed the UN Convention on the Child Rights whereby the signatories had to ensure protection of the Rights of the Children mentioned in the Convention. A National Child Charter was adopted in 2003. Smt. Kanti Singh said that although the Government had implemented several programmes for children in the last many years and increased funds have been allocated for these programmes, but these were not sufficient to meet the challenges of the day. Since 40 crore children were still deprived of the basic facilities, the Government considered it necessary to set up a constitutional body for providing basic amenities to children, whose recommendations could not be ignored and the Government could take effective measures to help children. In view of the national and international developments and concern for the children, the need for a National Commission for Protection of Child Rights has been articulated by many social scientists and non-governmental organisations. The Government has, accordingly, decided to set up the National Commission for Protection of Child Rights to safeguard rights of the child in more effective ways. It was proposed to make enabling provisions in the Bill authorizing the State Governments to set up State Commissions for Protection of Child Rights in their respective States on the lines of the said Commission. The functions of the Commission, *inter alia*, were: to study and monitor all matters relating to constitutional and legal rights of children; to examine and review the safeguards provided by any law for the protection of child rights and to recommend measures for their effective implementation in the best interest of the children*.

The Minister said that the Bill, introduced in the Lok Sabha on 2 May 2005 was referred to the Standing Committee on Human Resource Development and all the recommendations made by the Committee had been accepted.

Participating in the discussion, Prof. M. Ramadass (PMK) said that in the clause on Definition, there was no definition as to who a child was. It needs to be mentioned that any person who is under 18 years of age is a child. Regarding the constitution of the National Commission, he said that the President of India should appoint the Chairperson and constitute the Commission comprising nine members. A member of the NGO should also be included. The Commission should also undertake

* Excerpts from Statement of Objects and Reasons of the Bill

an evaluation study of all the programmes that were implemented. He added that the Child Advisory Board should be created where the experts and other people would counsel the children who were in distress.

Replying to the discussion*, the Minister of State in the Ministry of Human Resource Development, Shrimati Kanti Singh said that the decision to constitute such a Commission was taken keeping in view the rights and interests of the neglected children. Referring to the opinion that there should be two women members in the Commission, Shrimati Kanti Singh said that the matter was referred to the Standing Committee on Human Resource Development, which after thorough deliberations, recommended two women members and this had been acceded to. In order to enforce the Bill in the State of Jammu and Kashmir, the Minister said that there was a need to get the same passed by the State Legislative Assembly. As regards the linkage between the National Commission and State Commissions, she said that the National Commission should not enjoy any jurisdiction over the cases which come before the State Commissions. There were no provisions for such interventions in the Bill. Defining the term child, she said that the purport of the term 'child' includes all children, male or female, up to the age of 18 years. Speaking on the authority of the Commission, Smt. Kanti Singh said that it had been so constituted that there was no need to bestow additional powers in the Commission nor was there any need for the Commission to take permission for performing its duties. The Commission was free to exercise its powers and authority for upholding and protecting the interests of the children.

The motion for consideration of the Bill was moved. Clauses, etc. were adopted and the Bill was passed.

The Constitution (One Hundred and Fourth Amendment) Bill, 2005: Moving the Motion for consideration of the Bill on 21 December 2006, the Minister of Human Resource Development, Shri Arjun Singh said that on 17 August 2005, there was a Calling Attention Motion in the Lok Sabha in which members from across the House, urged that there was a need to address the issue of social justice regarding reservations for the socially and educationally backward classes of citizens besides the Scheduled Castes and Scheduled Tribes in matters of admission in

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* Other who participated in the discussion were: Sarvashri Mohan Singh, Alok Kumar Mehta, Varkala Radhakrishnan, Prabodh Panda, Virchandra Paswan, Ravi Prakash Verma, Manoranjan Bhakta, Smt. Karuna Shukla, Smt. Daggubati Purandeswari, Smt. C.S. Sujatha, Smt. M.S.K. Bhavani Rajenthiran, Smt. Archana Nayak, Smt. Kiran Maheshwari, Smt. Pratibha Singh, Smt. Sangeeta Kumari Singh Deo, Smt. Rupatai Diliprao Patil and Smt. Neeta Pateriya

private, aided or unaided educational institutions. While replying to the Calling Attention Motion he had mentioned that the Government was committed to the policy of reservation, which ensures social justice. While the Calling Attention Motion was under discussion, Shri Nitish Kumar made a suggestion that it would perhaps be better if the issue was discussed at a meeting of all political parties of the House. As a consequence, a meeting of all political parties was held on 23 August where the issue was discussed for four hours and three issues were decided. Firstly, there was a need for a Central law to address the issues. Secondly, the rights of minorities as enshrined in the Constitution under article 31 of the Constitution should be protected and thirdly, the Committee consisting of the representatives of the political parties would continue to guide in drafting of the proposed legislation. Thereafter, consultations with the leaders of various political parties were held, a draft was prepared and given to the leaders of the political parties. The present Bill was accordingly drafted on their recommendations. The Minister of Human Resource Development, Shri Arjun Singh said that the entire issue that was being addressed by the Bill was the issue of 'social justice'. There could be no justice if there was no social justice.

Dr. Rajesh Verma (BSP) said that the fees charged by the private educational institutions were so high that the people of the weaker sections of the society were not in a position to deposit their fees even after getting reservation. He urged the Minister to include OBCs in the purview of the Bill and said that the University Grants Commission (UGC) norms should be so modified as to ensure a uniform system in the whole country.

Shri Prabhunath Singh of Janata Dal (United) said that the provision should include reservation for those who were lagging behind socially and educationally. He added that at least five per cent reservation should be made for those who were economically backward so that justice could be meted out to them.

Prof. M. Ramadass (PMK) said that the Government should pass Executive orders providing for reservation in the Central universities, technical institutions and all Central educational institutions. The measures taken and policies implemented by the Government should be continued. He urged the Minister to bring about a uniform Central legislation indicating the main area of reservation, the main area of fee structure, the capitation fee, etc. of various colleges so that the legal litigation could be minimised.

Shri L. Ganesan (MDMK) said that the number of Government institutions were handful. If reservation was not given in private

institutions, the rich people would monopolise it and the downtrodden and the lower sections of the society would be on the streets. He further said that social backwardness should be done away with, with some amount of conviction.

Shri Ram Kripal Yadav (SP) demanded that reservation be provided on the basis of population.

Shri Ramdas Athawale (RPI-A) urged the Government to make provision for reservation in the minority educational institutions.

Welcoming the Bill providing for reservation of seats in private educational and professional institutions, Shri Joachim Baxla (RSP) urged the Government to make provisions for financial assistance in addition to the admission so that the students belonging to Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) could complete their studies.

Shri M.P. Veerendra Kumar (JD-S) said that if the Amendment was not brought, the education would only benefit the elite and those people who can afford; and those who were downtrodden, backward, dalits and minorities would all be thrown away.

Shri Asaduddin Owaisi (AIMIM) opposed the notice of amendments given by Prof. Vijay Kumar Malhotra and said that article 30 prevailed upon article 15. Reservation was already given to the minorities under article 30 and they could not have another reservation over it.

Participating in the discussion, Deputy Speaker, Lok Sabha, Shri Charnjit Singh Atwal, said that there were certain cases where a community was in minority in one State whereas it was in majority in another State. He expressed apprehension that in accordance to the provisions made in the Bill and going by the views of the members, no scope would probably be left for the admission of SCs/STs in the minority run colleges in the State of Punjab. He urged the Minister to clarify as to what would be the fate of the children in other States where colleges were being run by the minorities.

Replying to the discussion*, the Minister of Human Resource

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* Others who were participated in the discussion were: Sarvashri Ananth Kumar, Suresh Kurup, Mohan Singh, Devendra Prasad Yadav, A. Krishnaswamy, Anant Gudhe, Prasanna Acharya, C.K. Chandrappan, Dharmendra Pradhan, Ravinder Naik Dharavath, S.K. Kharventhan, R.L. Jalappa, Hemlal Murmu, J.M. Aaron Rashid, Shailendra Kumar, Thawar Chand Gehlot, K.V. Thangkabalu, Ram Kripal Yadav, K. Francis George, Bir Singh Mahato, M.P. Veerendra Kumar, S.K. Bwiswmuthiary, Charnjit Singh Atwal, Haribhau Rathod, G.V. Harsha Kumar, P. Mohan, Chandra Bhan Singh, Alok Kumar Mehta, Dr. Chinta Mohan, Dr. Rajesh Mishra, Dr. M. Jagannath, Dr. Sebastian Paul, Prof. Basudeb Barman and Smt. Maneka Gandhi

Development, Shri Arjun Singh said that in the meeting of 23 August 2005, the first broad consensus was that a careful attempt should be made to frame a Central law for maintaining and providing social security so far provided. The second was that the minority rights, as specified in article 30 should, in all circumstances, be protected. Shri Singh said that the only one demand that has emanated from the BJP was to delete article 30 that now existed in the Constitution. This article, he said, could not be deleted. In the light of the trauma of partition, article 30 was put into our Constitution as a Fundamental Right. Today in India there were many more Muslims than in Pakistan because this country, gave assurances to these people that they would not be discriminated against and that they would be protected, and, therefore, it was better for them to stay where they were. He further stated that none of the Supreme Court judgments had ever gone to the extent of saying that article 30 was redundant or it should be amended. He assured the House that every single advantage that has accrued to the country after the Mandal Commission, would accrue to the country after the Bill was passed. The question of reservation in the Central institutions would be addressed frontally and in a holistic manner. Referring to some apprehensions about the negative impact on the existing opportunities to provide admission to SCs/ STs, OBCs in the institutions run by the religious and linguistic minority communities, the Minister said that the matter would be looked into in consultation with the Law Ministry to allay those apprehensions.

The motion for consideration of the Bill was moved. Clauses, etc. were adopted and the Bill was passed.

C. QUESSTION HOUR

During the Session, 23,497 notices of Questions were received. Out of these, 16,510 Questions were Starred, 6,978 Questions were Unstarred and 9 were Short Notice Questions. Out of these, 460 Notices were included in Starred List of Questions (excluding 1 Question postponed), 4,643 in the Unstarred List of Questions (including 2 Short Notice Questions which were admitted as Unstarred but excluding 2 Questions which were deleted from Unstarred Question List).

As the House adjourned after obituary references on 23 November and 19 December 2005, without transacting any business, the replies to Starred Questions listed for those days were also treated as Unstarred and their answers together with the answers to Unstarred Questions listed for those days were printed in the Official Report for those days.

Due to interruptions in the House on 24, 25 November and 5 December 2005, Starred Questions were not called for oral answer. Replies to Starred Questions listed for these days were treated as Unstarred and their answers together with the answers to Unstarred Questions were printed in the Official Report for those days.

Starred Question No. 384 listed for 20 December 2005 was postponed by the Honourable Speaker in the House

Daily average of Questions: The average number of Starred Questions answered orally in the House during the Session were 3.73. The maximum number of Starred Questions answered orally on a day was seven on 14, 15 and 21 December 2005.

The average number of questions appearing in the Unstarred List came to 201.869 per day against the prescribed limit of 230, the minimum being 159 questions on 23 December 2005.

Half-an-Hour Discussion: In all, twenty-two notices of Half-an-Hour Discussion were received during the Session. Out of these, eight notices were admitted but only two matters were discussed on the floor of the House.

OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Shri K. R. Narayanan, former President of India; Shri P.M. Sayeed, Union Minister of Power and sitting member of Rajya Sabha; Shri Prakashbapu V. Patil, sitting Member; Sarvashri S. Ahmed Mehdi, T. Thirthagiri Gounder, Mahendra Baitha, R.N. Tripathi, Dhuleshwar Meena, Rajo Singh, K.V. Surendra Nath, B.K. Gadhvi, Swami Prasad Singh, H.K.L. Bhagat, Kammodilal Jatav and S.T. Quadri, and Prof. Madhu Dandavate, all former members.

Besides, references were also made to the killing of Shri Maniyappan Raman Kutty, an employee of the Border Roads Organisation by his abductors on 23 November 2005 in Afghanistan; to the loss of several lives on 25 November 2005 caused by incessant rain in Tamil Nadu; to the tragic incident in which 42 persons were trampled to death and 37 persons were seriously injured in a stampede at a flood relief center, Arignar Anna School in MGR Nagar, Chennai.

Members stood in silence for a short while as a mark of respect to the memory of the deceased.

RAJYA SABHA

TWO HUNDRED AND SIXTH SESSION*

The Rajya Sabha, which met for its Two Hundred and Sixth Session on 23 November 2005, was adjourned *sine die* on 23 December 2005. It was prorogued by the President on 28 December 2005. A resume of some of the important discussions held and other business transacted during the Session is given below:

A. STATEMENTS / DISCUSSIONS

Statement by the Prime Minister on an interview given to a TV Channel by the Indian Ambassador to Croatia regarding alleged involvement of certain individuals in the matter currently under inquiry by the Justice Pathak Inquiry Authority: On 2 December 2005, the Prime Minister Dr. Manmohan Singh made a Statement in the House regarding an interview given to a TV news channel by the Indian Ambassador to Croatia wherein he had made certain statements on the alleged involvement of individuals who were under inquiry by the Justice Pathak Inquiry Authority as part of its mandate to inquire into certain transactions mentioned in the Volcker Committee Report. He said that it was a matter of concern that the statements related to the transactions under investigation and also referred to Shri Natwar Singh and other individuals. The Prime Minister stated that the matter was also being investigated by the Enforcement Directorate. The Enforcement Directorate had assured the Government that their investigations were proceeding on the right track and that they would be able to establish the facts expeditiously. He added that Justice R.S. Pathak Committee was also given full powers so that it could complete the inquiry speedily and effectively in the manner it so desired. The Prime Minister urged that no one should pre-judge the final outcome of the investigation or pre-empt the findings that may be given by the Justice R.S. Pathak Inquiry Authority.

Statement by the Minister of Commerce and Industry regarding outcome of Hong Kong Ministerial Conference of W.T.O. member countries: Making a Statement in the House on 21 December 2005, the Minister of Commerce and Industry, Shri Kamal Nath stated that during the Hong Kong Ministerial Conference, India was proactive in articulating its position on issues of her concern and those of other developing countries. India played a key role in further strengthening the coalitions of developing

* Contributed by the Research and Library Section, Rajya Sabha Secretariat

countries by bringing together G-20, G-33 and G-90 groups of countries in a Grand Alliance to reinforce each other's position on issues of mutual interest. India also enabled the formation of Non-Agricultural Market Access (NAMA) 11 Group to pursue and integrate meaningfully Special and Differential Treatment issues in non-agricultural market access matters. He said that the Declaration finally agreed upon at the Hong Kong Ministerial Conference, addressed core concerns and interests of India and provided enough negotiating space for future work leading up to modalities. The text, he added, had positive development content, which needed to be built upon and fully realized at the next stage of negotiations.

Elaborating on the text of the Hong Kong Ministerial Declaration, Shri Nath said that the principal elements of the text represented significant gains for India. As regards domestic support in agriculture, he stated that developing countries like India with no Aggregate Measurement of Support (AMS) commitments would be exempt from any cuts on their *de minimis* support. He also informed that all forms of export subsidies by the developed countries and other export measures with equivalent effect would be eliminated by the end of 2013, with the substantial part eliminated by 2010. Developing countries like India would continue to benefit from the provisions of Article 9.4 of the Agreement on Agriculture *i.e.* they shall be able to continue to provide marketing and transport subsidies for five years after elimination of export subsidies, *i.e.* up to 2018. He further stated that to safeguard the farmers against surge in imports or fall in international prices, developing countries would have recourse to a Special Safeguard Mechanism with both import quantity and price triggers.

Referring to Non Agricultural Market Access (NAMA), Shri Nath said that the Declaration called for a Swiss Formula with co-efficients which preserved the ABI formula submitted by Argentina, Brazil and India for multiple co-efficients based on each country's tariff average. It was agreed that tariff peaks, tariff escalations and high tariffs on products of export which were of interest to the developing countries be either reduced or eliminated. It was also agreed that participation in the sectoral initiatives to reduce or eliminate tariffs would be on a non-mandatory basis. As for the Services, he said that the developing countries would have adequate policy space and necessary flexibility to pursue their developmental objectives. India had agreed to removal or substantial reduction of the Economic Needs Test. This had been one of the principal barriers to export of Services from the developing countries and had been a longstanding demand of India. On the implementation

issues relating to TRIPS* and the Convention on Biodiversity, and extension of the protection of Geographical Indications, Shri Nath said that the Declaration called for intensification of consultations so that the General Council could take appropriate action by 31 July 2006.

Replying to the points raised by the members, Shri Kamal Nath stated that the significance of the Hong Kong Ministerial Conference was that it was meant for finalising the full text of WTO agreement. However, it could not be finalised due to disagreement over some contentious issues such as agriculture. Accordingly, the Declaration laid down that the member countries would try and achieve by June 2006 what should have been achieved in the Conference at Hong Kong. He said that there was an ambiguity in the July Framework pertaining to *de minimis* support and the House had demanded that he should secure that there would be no reduction in the *de minimis* support. Accordingly, in the Agreement it had been mentioned that members with no AMS commitments would be exempt from the reductions in the *de minimis* and the overall cut in the trade distorting domestic support. It meant that there was no need for India to make any reduction in the support for the agricultural sector. Further sensitive products like rice, wheat, etc., known as Special Products were secured from an onslaught of subsidy-laden products from the developed countries. It was ensured that Special Products were no more left out in the negotiations.

Speaking on Special Safeguard Mechanism, Shri Nath said that in the event of a fall in prices of a particular product, duties could be immediately raised as this mechanism was linked to a price trigger. He stated that an export subsidy was also secured, particularly for cotton from the next year. With regard to domestic support, he said that the United States and the European Union agreed to reduce domestic support by 70 per cent and 53 per cent, respectively but that was below the G-20 proposal of 75 per cent which was why India had disagreed and left it to the future.

Speaking on industrial products, Shri Kamal Nath said that India wanted tariff peaks and tariff escalation to go. He further claimed that India secured her proposal of multiple co-efficients instead of having a single co-efficient. In fact, it took fully into account the special needs and interests of developing countries. In case of industrial products too, India rejected developed countries proposal of a single coefficient. Besides, tariff escalation, full reciprocity and flexibilities were also taken care of.

* Trade Related aspects of Intellectual Property Rights

Mentioning about TRIPS, biodiversity and health, he said that on biodiversity, India had got a target date fixed, *i.e.* July 2006 for intensive discussion.

Short Duration Discussion on the Public Distribution System in the country: The discussion on the subject took place in the House on 14 and 15 December 2005. Initiating the discussion, Smt. Brinda Karat of the Communist Party of India (Marxist) stated that one of the achievements of independent India was self-sufficiency in foodgrains production. But, at the same time poor performance of the agricultural sector and the slow down in the growth rate of cereal production was a matter of concern. She said that while going in for diversification from foodgrains production to cash crop production, the basic bricks of food security which depended on cereal production should be maintained.

With regard to procurement policy, Smt. Karat stated that commitment to procurement and Minimum Support Price should be reaffirmed. In fact, the Minimum Support Price needed to be extended to other foodgrains, including coarse grains which in many States were the staple diet of the poor. Further, there was a necessity to strengthen the Food Corporation of India (FCI) operations in the country. She stated that the state of Public Distribution System (PDS) was distressing. The Targeted Public Distribution System was not driven by the interests of the people of India rather it was driven by the WTO, the World Bank and other international institutions. She said that at the WTO, one of the contentious issues was not to compromise on the subsidies for the poor. In her concluding remarks, Smt. Karat stated that the Government needed to come out with a clear policy direction to strengthen the Public Distribution System, to make it universal at BPL prices and to give up the disastrous path of privatising the rights of the people of the country.

Participating in the discussion*, Smt. Bimba Raikar of the Indian National Congress (INC) urged the Government to strengthen the Public Distribution System. She said that because of the subsidy provided to the Above Poverty Line (APL) families, the Government incurred a loss of Rs.16,000 crore. She stated that people were given ration cards only if they had a house. She urged the Government to provide ration cards to floating population like the people staying on the footpath and construction

* Others who participated in the discussion were: Sarvashri M.P. Abdussamad Samadani, S. Anbalagan, Sanjay Raut, Manoj Bhattacharya, Arun Shourie, Sharad Anantrao Joshi, Jairam Ramesh, Prof. R.B.S. Varma, Prof. Ram Deo Bhandary, Dr. M.S. Gill, Smt. Vanga Geetha, Smt. Maya Singh, Smt. Prema Cariappa, Smt. S.G. Indira, Smt. N.P. Durga and Prof. Alka Balram Kshatriya

workers. She also urged the Government to increase the quota of kerosene and foodgrains for Below Poverty Line (BPL) families.

Shri Arjun Kumar Sengupta (Independent) said that efforts should be made to solve the problem of food security and the other issues involving Public Distribution System (PDS). He said that the Public Distribution System had traversed a long path starting its journey from Universal Public Distribution System initiated during the regime of Smt. Indira Gandhi to Revised Public Distribution System (RPDS) in 1992 and finally to Targeted Public Distribution System (TPDS) in 1997. Quoting a remark made by Dr. Montek Singh Ahluwalia on TPDS, Shri Sengupta said that for one rupee worth of income transfer to the poor, the Government spent Rs. 3.65. He added that there was an urgent need to bring down such high spending by the Government.

Speaking on targeting the intended beneficiaries of PDS, Shri Sengupta stated that the estimation of BPL was a statistical myth. It was very difficult to fix a particular criterion to identify the poor and that is why different States had their own criterion of selecting the people living below poverty line. He further stated that the definition of poverty varied from the World Bank criterion to that of the Planning Commission and the universal definition of poverty. Therefore, there was an urgent need on the part of the Government to take a decision as to whom to be targeted.

Replying to the points raised by the members, the Minister of Agriculture and Minister of Consumer Affairs, Food and Public Distribution, Shri Sharad Pawar said that the responsibility of Public Distribution System lay with the Government of India as well as the State Governments. The responsibility of procuring foodgrains, storing them and their transportation with the help of State Governments and allotting quota to various States was that of the Central Government while to allocate the quota within the State, to prepare the list of people living below poverty line, to issue Ration Cards and permits to run Fair Price Shops was the responsibility of the State Governments. Referring to Targeted Public Distribution System, Shri Pawar said that it was started in 1997 to focus on weaker sections of the society. Under the scheme a provision was made in April 2000 to supply 10 kg. of foodgrains every month to the families living below poverty line at 50 per cent cost. In December 2000, a new scheme called *Antyodaya* was initiated and aimed at benefiting 38 per cent people living below the poverty line.

As regards the definition of people living below poverty line,

Shri Pawar referred to an answer to an Unstarred Question given in the House and stated that it was based on the per capita consumption expenditure needed to attain a minimum amount of calorie intake out of food consumption, along with a minimum amount of non-food expenditure in order to meet the requirements of clothing, shelter, transport, etc. According to that definition, 6.52 crore families lived below poverty line and 11.52 crore families lived above poverty line. Out of the 6.52 crore families living below poverty line, 2.50 crore families were covered under the *Antyodaya* scheme. The Central Government had taken the responsibility to provide foodgrains to the 18.4 crore families through State Governments. But the State Governments had issued more than 22 crore ration cards *i.e.,* 4.4 crore more than the figure determined by the Planning Commission. He, however, clarified that providing foodgrains to the extra beneficiaries was not the responsibility of the Central Government as it often led to the diversion of foodgrains.

Speaking on the procurement policy, Shri Pawar said that when the Government procured foodgrains, it paid minimum support prices to the farmers. Central issue prices were fixed after taking into account the cost of procurement, storage charges, transportation charges and the interest thereon. He said that the total subsidy of Rs.20,339 crore was provided to the TPDS during 2004-05. This subsidy was gradually increasing. Referring to low off-take of foodgrains under BPL and APL categories, he said that there had been improvement in the off-take of allocated foodgrains.

Shri Pawar dismissed the suggestion of doing away with the Food Corporation of India (FCI). He stated that steps were needed to be taken to strengthen the PDS as well as the Food Corporation of India in order to provide food security to the people. Referring to a point regarding priority in allotment of Fair Price Shops under the PDS, Shri Pawar said that all the States were asked to give priority to the Self-Help Groups, Ex-Servicemen and women groups. Speaking on universalisation of the Public Distribution System, he said that the TPDS was aimed at protecting the interests of the poorest among the poor in the society. Out of a subsidy of Rs. 20,000 crore being provided at present, the maximum amount was being spent to protect the interests of the poor. He stated that it would not be easy for the Government to provide uniform subsidy.

Short Duration Discussion on atrocities on women in the country: Discussion in this regard took place in the House on 21 December 2005. Initiating the discussion in the House, Smt. Maya Singh (BJP) said that the first step to achieve the goal of empowering women was

to provide a safe atmosphere free from atrocities and physical violence. However, she alleged that atrocities against women particularly the dalit and illiterate women were on the rise and the existing laws in the country had proved incapable, to a large extent, to free women from atrocities and violence.

Speaking on the deteriorating law and order situation in Delhi, she said that there was a rapid increase in the number of rape cases against women in the capital. She urged the Government to take steps to check crime against women. She stated that in every 51 minutes there was sexual harassment of a woman in the country, in every 54 minutes a woman became a rape victim, in every 102 minutes there was a dowry death, in every 26 minutes there was a case of eve-teasing and in every 33 minutes there was a case of harassment against woman. Female foeticide was also increasing rapidly in the capital. She called for severe punishment against registered ultrasound centres for carrying out the sex-selection tests.

Smt. Singh said that priority should be given to redefine economic, social and political rights of women in the laws. She expressed anguish over the fact that the Women Reservation Bill was stalled every time it was brought in the House. She said that the economic and social status of women would not improve unless 33 per cent reservation was provided to women in the political sphere *i.e.* a stake in power sharing. Highlighting the point further, she said that women should have a role in framing and implementing rules, laws and programmes related to them and that there was a need to make the entire Government set up gender sensitive.

Participating in the discussion*, Smt. N.P. Durga of the Telugu Desam Party (TDP) said that the women in the country suffered various forms of physical and sexual harassment. Though the principle of gender equality was enshrined in the Indian Constitution and the same was incorporated in the National Policy for the Empowerment of Women, there was need a to implement them in letter and spirit. Drawing the attention of the House towards domestic violence, she said that it was always a gender-specific crime, perpetrated by men against women and termed it to be a violation of the most fundamental human rights of

* Others who participated in the discussion were: Sarvashri M.P. Abdussamad Samadani, Maulana Obaidullah Khan Azmi, Rajeev Shukla, S.S. Ahluwalia, Rudra Narayan Pany, Suresh Pachauri, Prof. Ram Deo Bhandary, Dr. Gyan Prakash Pilania, Smt. Brinda Karat, Smt. Kum Kum Rai, Smt. Hema Malini, Smt. Vanga Geetha, Smt. Prema Cariappa, Smt. Jamana Devi Barupal, Ms. Pramila Bohidar, Prof. Alka Balram Kshatriya and Dr. Prabha Thakur

women. She referred to a UNESCO study which stated that in India forty-five per cent women were physically tortured and the country also had the highest rate of violence during pregnancy. She called for necessary changes in the Domestic Violence Bill to include 'psychological abuse' as one of the atrocities against women. She also urged for initiating a Bill to control sexual abuse at the workplace. She called upon enlarging the definition of Section 375 of the Indian Penal Code (IPC) and to provide for more stringent punishment. Criticising the Section 155(A) of the Evidence Act for taking into account the moral character of a rape victim at the time of trial, she said that such provisions gave scope to the males to escape the clutches of law. She demanded deletion of the said Section of the Evidence Act.

Smt. S.G. Indira of the All India Anna Dravida Munnetra Kazhagam (AIADMK) said that there was no specific law in the country to protect the rights of working women and called for enactment of a suitable legislation to ensure enforcement of the right to gender equality for working women. She stated that in absolute terms there was an increase of 68,699 cases of crimes against women in 1999 over 1989. She further added that there was an increasing trend in crimes against women such as torture, sexual harassment, immoral trafficking, and indecent projection of women. She expressed concern over cases of rape and harassment of women prisoners and stressed upon bringing the Bill for thirty-three per cent reservation for women. She urged for safeguarding women and dealing with them considerately when they sought the help of the court or the police.

Replying to the discussion, the Minister of Home Affairs, Shri Shivraj V. Patil mentioned certain laws, which were enacted to empower women socially, economically and politically. He stated that most crimes against women were committed by their relatives than the unknown persons. Therefore, it was necessary to sensitise the members of the family so that they did not allow such things to happen. Elaborating the steps to be taken to check crimes against women, he said that educating the people and sensitizing the police was necessary. The attitude of the society towards the victim also needed to be changed as it was difficult for the victim to come forward and report the crime. He welcomed the suggestions for amending the Indian Penal Code (IPC) to help the rape victim and make the punishment more stringent. He further added that the Criminal Procedure Code was recently amended to make the entire system gender sensitive. As regards the Law of Evidence, he said that efforts would be made to depend more upon the circumstantial and technological evidence.

Calling Attention to the shortage of LPG and black marketing of kerosene in the country: On 8 December 2005, Shri Dipankar Mukherjee of the Communist Party of India (Marxist) called the attention of the Minister of Petroleum and Natural Gas in this regard. Replying to the motion, the Minister of Petroleum and Natural Gas, Shri Mani Shankar Aiyar stated that one third of the country's domestic output of LPG was obtained from a private sector refinery and a quarter of domestic demand was met from the imports. In that refinery, a Fluidised Catalytic Cracker (FCC) unit was closed down and the problems that simultaneously arose on the import front on the eve of the festive season led to the shortage. However, the Government handled the situation by a combination of measures relating to import and inventory management. He added that though the physical shortages through the month of November were not more than one to one-and-a-half per cent of the monthly turn over, the shortages still persisted because the domestic LPG was getting diverted for commercial purposes. He referred to the study made by the National Institute of Applied Economic Research which stated that 18 per cent of the kerosene being made available to the PDS system was getting diverted into adulteration.

Replying to the points raised by the members, Shri Aiyar said that the temporary shortage of LPG in September 2005 was on account of various factors. Elaborating these factors, he said that Reliance India Limited (RIL) had shut down their Fluidised Catalytic Cracker (FCC) unit at Jamnagar, the single largest domestic supplier of LPG, for maintenance work. In addition, fire at Mumbai High North and the shut down of as many as 14 refineries in the USA as a result of a series of hurricanes in the Gulf of Mexico also adversely affected the domestic and global supplies. The situation was aggravated by the strike in bottling plants in the National Capital Territory (NCT) area towards the end of September 2005.

Shri Aiyar agreed that the oil marketing companies should have publicised to the general public the factors that caused the shortages and the steps being taken to overcome the problem. This would have checked the spread of panic rumours leading to an even greater demand than was actually required on the part of consumers. He sought cooperation of the State Governments to eliminate diversion of domestic LPG to the black market. The Minister hoped that with the progressive spread of the *Jan Kerosene Pariyojana,* administrative means of running the system in a better way would be found. According to a study made by the National Council of Applied Economic Research regarding the demand for kerosene in the country, diversion of various kinds was greater in

the urban areas, especially in metropolitan cities, than it was in the rural areas. He stressed upon the need to take policy measures to check the diversion problems. On elimination of the difference between the administered price and market price of LPG and kerosene, Shri Aiyar said it was necessary to reduce the gap so as to check the diversions. At the same time, the poor needed subsidized sensitive products such as kerosene and LPG. He said that the Rangarajan Committee was constituted to find a middle path in this regard.

Referring to the suggestion of the members with regard to different colours and sizes for domestic and non-domestic cylinders, Shri Aiyar said that the matter was under the consideration of the Chief Controller of Explosives. Speaking on regional disparities of availability and reliability of LPG and kerosene, he said that the Union Government would start a dailogue with all the State Governments to find a way to do away with the anomalies.

Calling Attention to the grave situation arising out of the prolonged violence prevailing in tribal dominated areas in Assam resulting in loss of human lives and properties: On 21 December 2005, Shri S.S. Ahluwalia (BJP) called the attention of the Minister of Home Affairs in this regard. Replying to the motion, the Minister of Home Affairs, Shri Shivraj V. Patil said that the overall security situation in Assam showed improvement with the declining levels of violence. The public revulsion was growing against mindless acts of terrorism. He stated that the Karbi Anglong and North Cachar Hills districts in Assam had a dominance of Karbis and Dimasas, respectively and other tribes like Kukis, Hmars and Khasis were also settled there in sizeable numbers. Throwing light on the rivalries between the different tribes, he said that from October 2003 to June 2004 there were clashes between Karbis and Kukis in Karbi Anglong district over ginger cultivation. In the year 2005 clashes began with the killing of three Dimasas in Diphu police station area on 26 September 2005. In retaliation, five Karbis were killed on 2 October 2005 and there were incidents of attacks and torching of houses of the two communities. On 17 October 2005, a major incident took place when forty Karbis were dragged out of a bus and brutally killed. A large number of people took shelter in the relief camps after the incidents.

While giving an update of the situation, he said that though a large number of people returned to their native places yet as on 13 November 2005 around 19,500 people were still in relief camps in Karbi Anglong, Nagaon and North Cachar Hills districts. Both the Central and the State Governments, he said, undertook rehabilitation measures. He alleged

that the violent activities in Karbi Anglong district were abetted by the militant groups of the particular tribes for area domination. He stated that the Minister of State in the Ministry of Home Affairs, Shri Shriprakash Jaiswal and other government officials had visited the affected areas to review the security situation. Additional Central police forces continued to be deployed in the area to control the situation.

Replying to the points raised by the members, Shri Patil said that an inquiry headed by a retired judge was announced by the State Government to look into the matter. He called for expediting the payment of compensation to the victims and stated that the clashes between the two tribes were rooted in parochialism and narrow mindedness. He assured the House of all possible action and help from the Central Government in this regard.

B. LEGISLATIVE BUSINESS

The Disaster Management Bill, 2005: Moving the motion for consideration of the Bill on 28 November 2005, the Minister of Home Affairs, Shri Shivraj V. Patil said that the Disaster Management Bill, 2005 aimed at providing relief to the people suffering from natural and man-made disasters. The emphasis was on how to prepare before the disaster occurred and to provide relief to the people suffering from the disasters. The Bill provided for setting up of a National Disaster Management Authority under the Chairmanship of the Prime Minister, State Disaster Management Authorities under the Chairmanship of the Chief Ministers and District Disaster Management Authorities under the Chairmanship of District Magistrates. At the fourth level there were local authorities like corporations, municipalities and gram panchayats. The Bill also provided for setting up a National Institute of Disaster Management, which would be responsible to train the Government officials, the people's representatives and the people to deal with the disasters. The District Officer was given certain emergency powers to bypass lengthy procedure during crisis. The Bill provided for the constitution of the National Fund for Disaster Response Force and the National Fund for Disaster Mitigation and similar funds at the State and District levels. Certain funds would be provided to the National Disaster Management Authority, the State Disaster Management Authorities and the District Disaster Management Authorities to provide immediate relief. However, big amounts of money, which would be required to deal with the disasters, shall come through the Government of India and the State Governments. The Bill also entrusted concerned Ministries or Departments with the responsibility to

draw up Department-wise plans in accordance with the National Disaster Management Plan.*

He said that the Bill was mainly for the purpose of preparing a policy to deal with the disasters. For instance, houses could be made earthquake-resistant. So it provided that the National Disaster Management Authority, in consultation with the experts, would collect the available technologies for constructing small houses, big houses, multi-storey houses, bridges, roads and structures like atomic reactors. Similarly, to check floods, embankments and dams could be constructed by the Irrigation Department.

The Bill also aimed at dealing with man made disasters like a radiological disaster, use of a dirty bomb or biological weapons or chemical weapons. The enactment would facilitate effective steps for the mitigation of disasters, prepare for and coordinate effective response to disasters, as also matters connected therewith or incidental thereto.

Replying to the discussion**, Shri Patil referred to the suggestion made by some members that the people's representatives should head the District Disaster Management Authority. He stated that there was a difficulty in accepting the suggestion because at the District level, the authority of the President of the Zilla Parishad was limited to the activities of the Zilla Parishad and did not extend to the activities of the State Government. Therefore, an arrangement was made to have a co-Chairperson who would be the President of the Zilla Parishad.

Speaking on the representation of the people's representatives in the body, he stated that the local bodies, which by definition included the corporations, municipalities, Gram Panchayats and other bodies, would be responsible for implementing the plans to be made at the national, state and district levels. He agreed with Shri Jairam Ramesh that there should be a scientist on this body.

He further stated that whenever a disaster occurred, the first step was to provide relief and rescue, for which a small amount of fund would be kept with the district body. The next step was to give some kind of interim relief, which could continue for one or two months or may be one to two years. The third stage was of rehabilitation and reconstruction for

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* Excerpts from Statement of Objects and Reasons of the Bill

** Others who participated in the discussion were: Sarvashri S.S. Ahluwalia, Jairam Ramesh, Prasanta Chatterjee, Shahid Siddiqui, N. Jothi, V. Narayanasamy, N.K. Premachandran, Kripal Parmar, Sharad Anantrao Joshi, M.P. Abdussamad Samadani, E.M. Sudarsana Natchiappan, Prof. Saif-ud-din Soz, Prof. Ram Deo Bhandary and Smt. Vanga Geetha

which plans were to be prepared and sent to the State Government, and then to the Union Government and whatever share had to be provided by the Union Government, would be provided. Moreover, there would also be a Mitigation Fund.

Dismissing the apprehension expressed by some members that the autonomy of the States would be curtailed, he said that the States were allowed to make their own policies and plans, provided they were not contrary to the laws prepared at the national level. He added that through disaster management measures relief was required to be given in times of emergency. However, there was need for financial accountability also. Hence, auditing of accounts would start, once the agony of the disaster disappeared, may be after four or five years of its occurrence.

The motion for consideration of the Bill, and clauses, etc. were adopted and the Bill was passed.

The National Tax Tribunal Bill, 2005:* Moving the motion for consideration of the Bill on 7 December 2005, the Minister of Law and Justice, Shri Hans Raj Bhardwaj stated that the Bill aimed at establishing National Tax Tribunal having jurisdiction to deal with disputes concerning both direct and indirect tax laws. He said that the objective behind setting up of the Tribunal was to speed up disposal of cases relating to direct and indirect tax matters and have an all India perspective in the matter of interpretation of tax laws.

Elaborating the scope of its jurisdiction, he said that the National Tax Tribunal would hear appeals from orders passed by the Income-Tax Appellate Tribunal and Customs, Excise and Service Tax Appellate Tribunal on a substantial question of law. At present, an appeal from these Tribunals on a substantial question of law lay with the High Court. After enactment of the National Tax Tribunal Act, all cases pertaining to direct and indirect taxes pending before the High Courts shall stand transferred to the National Tax Tribunal from such date as may be notified by the Central Government.

The Tribunal, which was being set up under article 323 B of the Constitution, would act through its Benches**. Speaking about the composition of the Tribunal, he said that the Tribunal shall consist of a Chairperson and such number of members as the Central Government deemed fit.

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* The Bill, as passed by the Lok Sabha, was introduced in the Rajya Sabha on 29 November 2005

** Excerpts from Statement of Objects and Reasons of the Bill

The Chairperson and members would have judicial and quasi-judicial experience and would be appointed by the Central Government on the recommendations of a Selection Committee consisting of the Chief Justice of India or a Judge of the Supreme Court nominated by him, Secretary in the Ministry of Law and Justice and Secretary in the Ministry of Finance, Department of Revenue. The number of Benches to hear the cases under the direct tax laws and indirect tax laws shall be decided by the Central Government from time to time.

Replying to the discussion*, Shri Bhardwaj elaborated the reasons for establishing such a Tribunal. He said that the Bill primarily dealt with the question of law arising out of the decisions of the two Tribunals, namely, the Income-Tax Appellate Tribunal and the Customs, Excise and Service Tax Appellate Tribunal. Earlier, any question of law arising out of it, was decided by the High Courts as there was no difficulty in constituting Tax Benches in High Courts. However, for a long time, the High Courts were not able to provide a Tax Bench or Special Tax Bench for two reasons. Firstly, not many tax lawyers were coming as Judges of the High Courts and secondly, there was a dearth of the Judges coming from the Criminal Bar or from the Tax Bar. Consequently, tax matters were not getting priority in the High Courts. The Income Tax Appellate Tribunal and the Customs Excise Service Appellate Tribunal decided both-the question of fact as well as law. If any question of law arose thereafter, it was decided by the High Court. Unfortunately, it was found that these were not being decided by the High Court. Therefore, it was decided to constitute a National Tax Tribunal.

He clarified that the Tribunal would be fully autonomous and would be placed exclusively under the administrative control of the Law Ministry. With regard to its jurisdiction, he said that there would be fifteen Benches for Direct Taxes and ten for Indirect Taxes.

The motion for consideration of the Bill, and clauses, etc. were adopted and the Bill was passed.

*The Constitution (One Hundred and Fourth Amendment) Bill, 2005***:* Moving the motion for consideration of the Bill on 22 December 2005, the Minister of Human Resource Development, Shri Arjun Singh appealed for evolving a consensus while passing the Bill.

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* Others who participated in the discussion were: Sarvashri Surendra Lath, E.M. Sudarsana Natchiappan, Prasanta Chatterjee, C. Ramachandraiah, Mangani Lal Mandal, Rajeev Shukla, Shantaram Laxman Naik, Dr. K. Malaisamy and Shrimati N.P. Durga

** The Bill, as passed by the Lok Sabha, was laid on the Table of Rajya Sabha on 21 December 2005

Replying to the discussion*, he said that the percentage of students going for higher education was abysmally low for all categories which was a matter of concern. The National Common Minimum Programme of the UPA Government stated the Government's intention to expend 6 per cent of GDP on education. In order to promote higher education in the North-Eastern region, the Government had created Central Universities in four out of the seven North-Eastern States. An IIT was established in Guwahati and an IIM was going to be established in Shillong. He added that there was a separate plan far setting up engineering, management and other faculties in every college. In order to check misuse of minority institutions, National Commission for Minority Educational Institutions was constituted by the Government.

It was laid down in article 46, as one of the Directive Principle of State Policy, that the State shall promote with special care the educational and economic interests of the weaker sections of the people and protect them from social injustice. To promote the educational advancement of the socially and educationally backward classes of citizens or of the Scheduled Castes and Scheduled Tribes in matters of admission of students belonging to these categories in unaided educational institutions, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution, it was proposed to amplify article 15. The Constitution (One Hundred and Fourth Amendment) Bill, 2005 sought to achieve the said objectives.**

He further stated that the Bill was an enabling Bill and every State Government was required to frame law within its scope making clear and elaborate provisions with regard to the fees, admission and other procedures for the minorities and other categories. He appealed to the State Governments to enact the law within next two to three months.

The motion for consideration of the Bill, and clauses, etc. were adopted and the Bill was passed.

*The Commissions for Protection of Child Rights Bill, 2005****: Moving

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* Others who participated in the discussion were: Sarvashri Balavant *alias* Bal Apte, Janardhana Poojary, Sitaram Yechury, Shahid Siddiqui, P.G. Narayanan, Ravula Chandra Sekar Reddy, Raashid Alvi, Sharad Yadav, Mangani Lal Mandal, Ram Nath Kovind, Satish Chandra Misra, M.P. Abdussamad Samadani, Robert Kharshling, V. Narayanasamy, R.S. Gavai, Abu Asim Azmi, Datta Meghe, Sanjay Raut , Motiur Rahman, N.K. Premachandran, Tariq Anwar, V. Hanumantha Rao, R. Shunmugasundaram, Sharad Anantrao Joshi, Bashistha Naraln Singh, Jesudasu Seelam, Lekhraj Bachani, Prof. R.B.S.Varma, Prof. Saif-ud-Din Soz, Prof. P.J. Kurien, Dr. Chandan Mitra, Dr. T. Subbarami Reddy and Dr. Faguni Ram

** Excerpts from Statement of Objects and Reasons of the Bill

*** The Bill, as passed by the Lok Sabha, was laid on the Table of Rajya Sabha on 22 December 2005

the motion for consideration of the Bill on 22 December 2005, the Minister of State in the Ministry of Human Resource Development, Smt. Kanti Singh stated that according to the 2001 census, the population of children in the age group of 0 to 6 years was 15.78 crore. On account of various factors like poverty, social evils and erosion of traditional social values there had been rapid increase in the cases of neglect and exploitation of children. Reiterating the Government's resolve to free children from the vicious circle of poverty, illiteracy and exploitation, she said that focus would be on the improvement of quality of life and opportunities for the girl child.

Speaking on the efforts made in that direction, she said that in August 1974 the National Policy for the children was adopted. On 11 December 1992 India became a signatory to the United Nations Convention on Rights of the Child whereby every signatory was required to take steps to protect the rights of the children. Further, a National Charter for the Children was adopted in the year 2003 for their development. She stated that despite an increase in the number of and expenditure on Government programmes related to children in the recent past, they were found to be insufficient in the light of the challenges faced in this regard. She stressed upon the need to pay special attention to the problems of female foeticide, female infanticide, child prostitution and use of children in pornographic literature.

Since 40 crore children in the country were devoid of the basic facilities, a need was felt to constitute a statutory body whose suggestions would not be overlooked and which would take immediate steps to provide relief to the children. In view of the national and international developments and concern for the children, the need for a National Commission for Protection of Child Rights was articulated by many social scientists and non-governmental organisations. The Government, accordingly, decided to set up the National Commission for Protection of Child Rights for better protection of their rights in accordance with the provisions of the Commissions for Protection of Child Rights Bill, 2005. The Bill also had enabling provisions authorising the State Governments to set up State Commissions for Protection of Child Rights in their respective States on the lines of the said Commission. The functions of the Commission *inter alia* included to study and monitor all matters relating to constitutional and legal rights of the children and to look into the complaints or take *suo motu* notice of the cases involving violation of the constitutional and legal rights of the children.*

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* Excerpts from Statement of Objects and Reasons of the Bill

Replying to the points raised by the members*, Smt. Kanti Singh, Minister of State in the Ministry of Human Resource Development stated that the Bill introduced by the previous Government did not have much teeth but the Bill introduced by the present Government had greater powers. She stated that after the introduction of the Bill in the Lok Sabha on 2 May 2005, the Parliamentary Standing Committee discussed the Bill and nine recommendations of the Committee had been accepted by the Government.

The motion for consideration of the Bill, and clauses, etc. were adopted and the Bill was passed.

C. QUESTION HOUR

During the Session, 8,835 notices of Questions were received. Out of these, 458 Questions were admitted as Starred and 3,497 Questions were admitted as Unstarred. The total number of notices of Questions received in Hindi was 2,090.

Daily average of Questions: For all the days, the lists of Starred Questions contained 20 questions each. On an average, 4.69 Questions were orally answered per sitting. The maximum number of Questions orally answered was nine on 29 November 2005 and the minimum number of Questions orally answered was three on 6 December 2005. The lists of Unstarred Questions contained 129 and 140 Questions on 23, 28 November 2005 and 137,153,154,153,153 and 153,Questions on 7,14,15,16,19 and 20 December 2005, respectively, and on the rest of the days, it contained 155 Questions each.

Half-an-Hour Discussions: In all, fourteen notices of Half-an-Hour Discussion were received, out of which one was admitted but could not be taken up for discussion.

Short Notice Questions: Seven Short Notice Questions were received but none was admitted.

D. OBITUARY REFERENCES

During the Session, obituary references were made on the passing away of Shri K. R. Narayanan, Former President of India; Shri P.M. Sayeed, a sitting member and Union Minister of Power; and Sarvashri Dhuleshwar Meena, Tara Charan Majumdar, R.S. Naik, Prof. B. Ramachandra Rao and Shrimati Amrita Pritam, all former members. Members stood in silence as a mark of respect to the deceased.

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* Other who participated in the discussion were: Sarvashri Matilal Sarkar, Abu Asim Azmi, Sharad Anantrao Joshi, Manoj Bhattacharya, Suresh Bhardwaj, Dr. K. Malaisamy, Smt. Bimba Raikar, Smt. Vanga Geetha, Smt. Kum Kum Rai , Smt. S.G. Indira and Dr. (Smt) Najma A. Heptulla

STATE LEGISLATURES

ASSAM LEGISLATIVE ASSEMBLY*

The Eleventh Assam Legislative Assembly commenced its Thirteenth Session on 28 November 2005, and was adjourned *sine die* on 1 December 2005. There were 4 sittings in all.

Motion of No-confidence: During the Session, two notices of No-confidence motion were tabled in the House on 28 November 2005 against the Council of Ministers. Out of these, leave in the case of one notice was not granted due to lack of support of the required number of members. The second notice was admitted for discussion in the House and the date fixed for discussion was 1 December 2005. After threadbare discussion on the No-confidence Motion against the Council of Ministers headed by the Chief Minister, Shri Tarun Gogoi, the Motion was put to vote of the House and was defeated by voice vote on the same day.

Financial business: On 28 November 2005, the list of Supplementary Demands for Grants for the year 2005-2006 was presented to the House. The voting on Supplementary Demands for Grants was held on 30 November 2005, and relevant Appropriation Bill was introduced and passed the same day.

Obituary references: During the Session, obituary references were made on the passing away of nine leading personalities including former members of the State Legislative Assembly.

MANIPUR LEGISLATIVE ASSEMBLY**

The Eighth Manipur Legislative Assembly, which commenced its Twelfth Session on 9 December 2005, was adjourned *sine die* on 13 December 2005. There were 2 sittings in all.

Election of Speaker: On 9 December 2005, Dr. Md. Maniruddin Shaikh was elected as the Speaker of the State Legislative Assembly.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri K.R. Narayanan, former President of India; M.K. Priyobarta, former Chief Minister of Manipur; Md. Muhamuddin Shah, R. Vio, Khaidem Pishak and Kh. Lakshman, all former members of the State Legislative Assembly.

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* Material contributed by the Assam Legislative Assembly Secretariat
** Material contributed by the Manipur Legislative Assembly Secretariat

NAGALAND LEGISLATIVE ASSEMBLY*

The Tenth Nagaland Legislative Assembly, which commenced its Ninth Session on 16 December 2005, was adjourned *sine die* the same day. The House held one-day Session. The Governor prorogued the House on the same day.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri K.R. Narayanan, former President of India; and J.B. Jasokie, former Chief Minister of Nagaland.

ORISSA LEGISLATIVE ASSEMBLY**

The Thirteenth Orissa Legislative Assembly, which commenced its Sixth Session on 21 November 2005, was adjourned *sine die* on 8 December 2005. There were 14 sittings in all. The Governor prorogued the House on 27 December 2005.

Financial business: On 22 November 2005, the Finance Minister presented the First Supplementary Statement of Expenditure for the year 2005-2006 to the House. Following presentation of the Supplementary Budget, three Supplementary Demands were taken up for discussion and were voted in full. The rest of the Demands were Guillotined. The Orissa Appropriation (No.2) Bill, 2005 was passed by the House on 1 December 2005.

Obituary references: During the Session, obituary references were made on the passing away of Sarvashri K.R. Narayanan, former President of India; Prasanna Kumar Dash, former Speaker; Harihar Bahinipati, former Deputy Speaker; Baishnab Charan Mallick, Gokulanand Praharaj and Biraja Prasad Roy, all former members of the State Legislative Assembly; Suryanarayan Behera, Laxmidhar Routray, and Sanjeev Kumar Sahu of the Indian Army; and Pradeep Kumar Mishra of the Border Security Force.

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* Material contributed by the Nagaland Legislative Assembly Secretariat

** Material contributed by the Orissa Legislative Assembly Secretariat

8

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APPENDIX I

STATEMENT SHOWING THE WORK TRANSACTED DURING THE SIXTH SESSION OF THE FOURTEENTH LOK SABHA

1.	PERIOD OF THE SESSION	23 November to 23 December 2005
2.	NUMBER OF SITTINGS HELD	23
3.	TOTAL NUMBER OF SITTING HOURS	118 hours, 29 minutes
4.	NUMBER OF DIVISIONS HELD	6 (One on 15 December 2005 and Five on 21 December 2005)
5.	GOVERNMENT BILLS	
	(i) Pending at the commencement of the Session	24
	(ii) Introduced	9
	(iii) Laid on the Table as passed by Rajya Sabha	6
	(iv) Returned by the Rajya Sabha with any amendment/recommendation and laid on the Table	Nil
	(v) Referred to Select Committee	Nil
	(vi) Referred to Joint Committee	1
	(vii) Reported by Select Committee	Nil
	(viii) Reported by Joint Committee	Nil
	(ix) Reported by Standing Committee	9
	(x) Referred to Departmentally-related Standing Committee by Speaker, Lok Sabha/Chairman, Rajya Sabha	5
	(xi) Discussed	14
	(xii) Passed	17
	(xiii) Returned by Rajya Sabha without any recommendation	5
	(xiv) Pending at the end of the Session	25
6.	PRIVATE MEMBERS' BILLS	
	(i) Pending at the commencement of the Session	145
	(ii) Introduced	16
	(iii) Discussed	1
	(iv) Part-discussed	1
	(v) Pending at the end of the Session	161
7.	NUMBER OF DISCUSSIONS HELD UNDER RULE 184	
	(i) Notices received	434
	(ii) Admitted	141
	(iii) Discussed	1

8.	NUMBER OF MATTERS RAISED UNDER RULE 377	265
9.	NUMBER OF MATTERS RAISED ON URGENT PUBLIC IMPORTANCE DURING ZERO HOUR	233
10.	NUMBER OF DISCUSSIONS HELD UNDER RULE 193 (Matters of Urgent Public Importance)	
	(i) Notices received	476
	(ii) Admitted	5
	(iii) Discussions held	5
	(iv) Discussions completed	3
	(v) Part-discussed	2
11.	NUMBER OF STATEMENTS MADE UNDER RULE 197 (Calling Attention to Matters of Urgent Public Importance)	12
12.	STATEMENTS MADE BY MINISTERS UNDER RULE 372 AND UNDER DIRECTION 73A	49
13.	STATUTORY RESOLUTIONS	
	(i) Notices received	9
	(ii) Admitted	2
	(iii) Moved	2
	(iv) Adopted	Nil
	(v) Negatived	1
	(vi) Withdrawn	1
14.	GOVERNMENT RESOLUTIONS	
	(i) Notices received	2
	(ii) Admitted	2
	(iii) Moved	Nil
	(iv) Adopted	Nil
15.	PRIVATE MEMBERS' RESOLUTIONS	
	(i) Received	6
	(ii) Admitted	6
	(iii) Discussed	2
	(iv) Withdrawn	1
	(vii) Part-discussed	1
16.	NUMBER OF ADJOURNMENT MOTIONS	
	(i) Total No. of Notices received	25
	(ii) Brought before the House	Nil
	(iii) Admitted	1
	(iv) Barred in view of Adjournment Motion admitted on the Subject	1
	(v) Consent withheld by the Speaker, Lok Sabha outside the House	23

(vi) Consent given by the Speaker, Lok Sabha but leave not asked from members concerned — Nil

17. NUMBER OF PARLIAMENTARY COMMITTEE(S) CONSTITUTED, IF ANY, DURING THE SESSION — 2

18. TOTAL NUMBER OF VISITORS' PASSES ISSUED DURING THE SESSION — 12,793

19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND THE DATE ON WHICH ISSUED — 948 issued on 9 December 2005

20. TOTAL NUMBER OF QUESTIONS ADMITTED

(i) Starred — 460

(ii) Un-starred — 4,643

(iii) Short Notice Questions — Nil

(iv) Half-an-Hour discussions — 1

21. NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE — 7

22. PETITIONS PRESENTED — 1

23. NUMBER OF NEW MEMBERS SWORN-IN WITH DATE — 4 (Two on 23.11.2005, One on 24.11.2005 & One on 25.11.2005)

24. NUMBER OF PRIVILEGE MOTIONS

(i) Notices received — 7

(ii) Brought before the House — Nil

(iii) Consent withheld by Speaker — Nil

(iv) Observation made by Speaker — Nil

25. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of sittings held during the period 1 October to 31 December 2005	No. of Reports presented
1	2	3	4
i)	Business Advisory Committee	—	—
ii)	Committee on Absence of Members from the Sittings of the House	—	—
iii)	Committee on Empowerment of women	2	1
iv)	Committee on Estimates	5	—
v)	Committee on Ethics	—	—
vi)	Committee on Government Assurances	—	—
vii)	Committee on Member of Parliament Local Area Development Scheme (MPLADS)	2	—
viii)	Committee on Papers Laid on the Table	—	—
ix)	Committee on Petitions	—	—

x)	Committee on Private Members' Bills and Resolutions	4	4
xi)	Committee of Privileges	—	—
xii)	Committee on Public Accounts	3	6
xiii)	Committee on Public Undertakings	—	—
xiv)	Committee on Subordinate Legislation	—	—
xv)	Committee on the Welfare of Scheduled Castes and Scheduled Tribes	2	2
xvi)	General Purposes Committee	—	—
xvii)	House Committee	—	—
	a) Accommodation Sub-Committee	—	—
	b) Sub-Committee on Amenities	—	—
xviii)	Library Committee	—	—
xix)	Railway Convention Committee	5	1
xx)	Rules Committee	—	—

JOINT / SELECT COMMITTEES

i)	Joint Committee on Offices of Profit	—	—
ii)	Joint Committee on Salaries and Allowances of Members of Parliament	—	—

DEPARTMENTALLY-RELATED STANDING COMMITTEES

i)	Committee on Agriculture	4	—
ii)	Committee on Chemicals and Fertilizers	4	4
iii)	Committee on Coal & Steel	2	3
iv)	Committee on Defence	11	4
v)	Committee on Energy	6	1
vi)	Committee on External Affairs	3	2
vii)	Committee on Finance	4	8
viii)	Committee on Food, Consumer Affairs and Public Distribution	5	1 (Tour) 2 (Action Taken)
ix)	Committee on Information Technology	9	2 (Original) 6 (Action Taken)
x)	Committee on Labour	7	4
xi)	Committee on Petroleum and Natural Gas	2	—
xii)	Committee on Railways	5	1 (Original) 1 (Action Taken)
xiii)	Committee on Rural Development	10	4
xiv)	Committee on Social Justice and Empowerment	5	3
xv)	Committee on Urban Development	—	—
xvi)	Committee on Water Resources	3	1 (Action Taken)

APPENDIX II

STATEMENT SHOWING THE WORK TRANSACTED DURING THE TWO HUNDRED AND SIXTH SESSION OF THE RAJYA SABHA

1.	PERIOD OF THE SESSION	23 November to 23 December 2005
2.	NUMBER OF SITTINGS HELD	23
3.	TOTAL NUMBER OF SITTING HOURS	110 Hours and 58 Minutes
4.	NUMBER OF DIVISIONS HELD	5
5.	GOVERNMENT BILLS	
	(i) Pending at the commencement of the Session	38
	(ii) Introduced	15
	(iii) Laid on the Table as passed by Lok Sabha	11
	(iv) Returned by Lok Sabha with any amendment	Nil
	(v) Referred to Select Committee by Rajya Sabha	Nil
	(vi) Referred to Joint Committee by Rajya Sabha	Nil
	(vii) Referred to the Department-related Standing Committees	9
	(viii) Reported by Select Committee	Nil
	(ix) Reported by Joint Committee	Nil
	(x) Reported by the Department-related Standing Committees	12
	(xi) Discussed	21
	(xii) Passed	17
	(xiii) Withdrawn	4
	(xiv) Negatived	Nil
	(xv) Part-discussed	Nil
	(xvi) Returned by the Rajya Sabha without any recommendation	5
	(xvii) Discussion postponed	Nil
	(xviii) Pending at the end of the Session	43
6.	PRIVATE MEMBERS' BILLS	
	(i) Pending at the commencement of the Session	186
	(ii) Introduced	29
	(iii) Laid on the Table as passed by the Lok Sabha	Nil
	(iv) Returned by the Lok Sabha with any amendment and laid on the Table	Nil
	(v) Reported by Joint Committee	Nil
	(vi) Discussed	2
	(vii) Withdrawn	Nil

(viii) Passed	Nil
(ix) Negatived	1
(x) Circulated for eliciting opinion	Nil
(xi) Part-discussed	1
(xii) Discussion postponed	Nil
(xiii) Motion for circulation of Bill negatived	Nil
(xiv) Referred to Select Committee	Nil
(xv) Lapsed due to retirement/death of Member-in-charge of the Bill	22
(xvi) Pending at the end of the Session	192
7. NUMBER OF DISCUSSIONS HELD UNDER RULE 176 (Matters of Urgent Public Importance)	
(i) Notices received	80
(ii) Admitted	4
(iii) Discussions held	4
8. NUMBER OF STATEMENTS MADE UNDER RULE 180 (Calling Attention to Matters of Urgent Public Importance)	
Sta]tements made by Ministers	3
9. HALF-AN-HOUR DISCUSSIONS HELD	Nil
10. STATUTORY RESOLUTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
11. GOVERNMENT RESOLUTIONS	
(i) Notices received	2
(ii) Admitted	2
(iii) Moved	Nil
(iv) Adopted	Nil
12. PRIVATE MEMBERS' RESOLUTIONS	
(i) Received	8
(ii) Admitted	8
(iii) Discussed	1
(iv) Withdrawn	1
(v) Negatived	Nil
(vi) Adopted	Nil
(vii) Part-discussed	Nil
(viii) Discussion postponed	Nil
13. GOVERNMENT MOTIONS	
(i) Notices received	Nil
(ii) Admitted	Nil

(iii) Moved and discussed	Nil
(iv) Adopted	Nil
(v) Part-discussed	Nil
14. PRIVATE MEMBERS' MOTIONS	
(i) Received	57
(ii) Admitted	24
(iii) Moved	1
(iv) Adopted	Nil
(v) Part-discussed	Nil
(vi) Negatived	1
(vii) Withdrawn	Nil
15. MOTIONS REGARDING MODIFICATION OF STATUTORY RULE	
(i) Received	Nil
(ii) Admitted	Nil
(iii) Moved	Nil
(iv) Adopted	Nil
(v) Negatived	Nil
(vi) Withdrawn	Nil
(vii) Part-discussed	Nil
(viii) Lapsed	Nil
16. NUMBER, NAME AND DATE OF PARLIAMENTARY COMMITTEE CREATED, IF ANY	Nil
17. TOTAL NUMBER OF VISITORS' PASSES ISSUED	1,514
18. TOTAL NUMBER OF VISITORS	3,116
19. MAXIMUM NUMBER OF VISITORS' PASSES ISSUED ON ANY SINGLE DAY AND DATE ON WHICH ISSUED	152 (on 21.12.2005)
20. MAXIMUM NUMBER OF VISITORS ON ANY SINGLE DAY AND DATE	254 (on 23.12.2005)
21. TOTAL NUMBER OF QUESTIONS ADMITTED	
(i) Starred	458
(ii) Unstarred	3,497
(iii) Short-Notice Questions	Nil
22. DISCUSSIONS ON THE WORKING OF THE MINISTRIES	Nil

23. WORKING OF PARLIAMENTARY COMMITTEES

Sl. No.	Name of the Committee	No. of meetings held during the period 1 October to 31 December 2005	No. of Reports presented
1	2	3	4
(i)	Business Advisory Committee	4	Nil
(ii)	Committee on Subordinate Legislation	4	2

(iii)	Committee on Petitions	4	3
(iv)	Committee of Privileges	3	Nil
(v)	Committee on Rules	Nil	Nil
(vi)	Committee on Government Assurances	3	1
(vii)	Committee on Papers Laid on the Table	2	1
(viii)	General Purposes Committee	Nil	Nil
(ix)	House Committee	2	Nil
Department-Related Standing Committees:			
(x)	Commerce	7	3
(xi)	Home Affairs	4	1
(xii)	Human Resource Development	6	5
(xiii)	Industry	9	1
(xiv)	Science and Technology, Environment and Forests	4	6
(xv)	Transport, Tourism and Culture	5	1
(xvi)	Health and Family Welfare	3	4
(xvii)	Personnel, Public Grievances, Law and Justice	4	1
Other Committees			
(xviii)	Committee on Ethics	7	3
(xix)	Committee on Provision of Computers to Members of Rajya Sabha	1	Nil
(xx)	Committee on Member of Parliament Local Area Development Scheme	1	Nil
24.	NUMBER OF MEMBERS GRANTED LEAVE OF ABSENCE	6	
25.	PETITIONS PRESENTED	Nil	
26.	NAME OF NEW MEMBERS SWORN-IN WITH DATES	Nil	
27.	OBITUARY REFERENCES		

Sl. No.	Name	Sitting member/ Ex-member
1.	Shri K.R. Narayanan	Former President of India
2.	Shri P.M. Sayeed	Sitting Member
3.	Shri Dhuleshwar Meena	Ex-member
4.	Shri Taran Charan Majumdar	-do-
5.	Shri R.S. Naik	-do-
6.	Prof. B. Ramachandra Rao	-do-
7.	Smt. Amrita Pritam	-do-

APPENDIX III

STATEMENT SHOWING THE ACTIVITIES OF THE LEGISLATURES OF THE STATES AND UNION TERRITORIES DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2005

Legislature	Duration	Sittings	Govt. Bills	Private Bills	Starred Questions	Unstarred Questions	Short Notice Questions
1	2	3	4	5	6	7	8
STATES							
Andhra Pradesh L.A.**	—	—	—	—	—	—	—
Arunachal Pradesh L.A.*	—	—	—	—	—	—	—
Assam L.A.	28.11.2005 to 1.12.2005	4	5(5)	—	114(66)	54(101)●	56(49)
Bihar L.A.	28.11.2005 to 7.12.2005	8	2(2)	—	—	37(33)	76(71)
Bihar L.C.**	—	—	—	—	—	—	—
Chhattisgarh L.A.	15.12.2005 to 23.12.2005	6	13(14)	—	440(184)	264(148)	—
Goa L.A.*	—	—	—	—	—	—	—
Gujarat L.A.	—	—	—	—	—	117(92)	—
Haryana L.A.	14.12.2005 to 19.12.2005	3	15(15)	—	265(203)	23(19)	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	——
Karnataka L.A.*	—	—	—	—	—	—	—
Karnataka L.C.*	—	—	—	—	—	—	—
Kerala L.A.**	—	—	—	—	—	—	—
Madhya Pradesh L.A.**	—	—	—	—	—	—	—

Maharashtra L.A.	5.12.2005 to 16.12.2005	10	10(16)	3	8,366(1,351)	18(1,822)●	16
Maharashtra L.C.	5.12.2005 to 16.12.2005	10	4(17)	2	3,467(873)	1(351)	4(1)
Manipur L.A.	9.12.2005 to 13.12.2005	3	—	—	60(16)	15(15)	2(2)
Meghalaya L.A.	14.10.2005 to 17.10.2005	2	2	—	6	—	—
Mizoram L.A.**	—	—	—	—	—	—	—
Nagaland L.A.	16.12.2005	1	3	—	18(18)	4(4)	—
Orissa L.A.	21.11.2005 to 8.12.2005	14	2(2)	3	2,428(1,906)	2,533(3,738)●	13
Punjab L.A.	5.10.2005 to 18.10.2005	4	12(12)	—	18(17)	2(1)	—
Rajasthan L.A.**	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—
Tripura L.A.	30.9.2005 to 6.10.2005	4	2(1)	—	474(335)	903(811)	1(1)
Uttaranchal L.A.**	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—
Uttar Pradesh L.C.	21.11.2005 to 29.3.2006	19	(19)	—	359(302)	180(162)	196(166)
West Bengal L.A.**	—	—	—	—	—	—	—
UNION TERRITORIES							
Delhi L.A.**	—	—	—	—	—	—	—
Pondicherry L.A.	17.10.2005	1	2(2)	—	—	—	—

* Information received from the State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

Notes: (a) Starred Questions and Short Notices admitted as Unstarred

APPENDIX III (Contd.)

COMMITTEES AT WORK / NUMBER OF SITTINGS HELD AND NUMBER OF REPORTS PRESENTED DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2005

	Business Advisory Committee	Committee on Govt. Assurances	Committee on Petitions	Committee on Private Member's Bills and Resolutions	Committee of Privileges	Committee on Public Undertakings	Committee on Subordinate Legislation	Committee on the Welfare of SCs and STs	Committee on Estimates	General Purposes Committee	House/Accommodation Committee	Library Committee	Public Accounts Committee	Rules Committee	Joint/Select Committee	Other Committees
	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
STATES																
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	3[a]

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Assam L.A.	2	2	2	—	1	3	3	5	1	—	1	2	9	—	—	—
Bihar L.A.	1(1)	2	1	—	—	1	1	1	1	—	—	2	1	1	—	4[b]
Bihar L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhattisgarh L.A.	2(2)	—	—	2(1)	—	—	—	—	—	—	—	—	3(6)	—	2(1)	—
Goa L.A.	—	2	2	—	—	5	9	—	2	—	—	1	1	—	—	—
Gujarat L.A.	—	8	—	—	2	3	—	16	3	—	1	1	10	—	—	10[c]
Haryana L.A.	1(1)	16	17	—	13	13	12	15	28	—	5	11	12	3	—	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu &Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu &KashmirL.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A.	—	16	7	12	5	12	11(1)	12	9(1)	—	11	12	11	4	—	35[d]
Karnataka L.C.	—	11	12	—	12	—	—	—	—	—	12	—	—	—	—	—
Kerala L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A.	3(2)	19	4(2)	2(2)	7(1)	14	6(1)	15(2)	—	—	1	1	15	—	—	57(5)[e]
Maharashtra L.C.	3(2)	6(1)	1	—	—	14	6(1)	15(2)	9(3)	—	1	—	16(3)	—	—	57(5)[f]
Manipur L.A.	1	5	3	—	—	5	—	3	1	—	3	—	4	2	—	—
Meghalaya L.A.	1	1	4	—	—	5	1	4	4	—	—	6	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.	1	—	—	—	—	—	—	—	1(1)	—	—	—	—	—	—	—
Orissa L.A.	1(1)	2	5	—	—	4	5	3	6	—	1	5	9	1	—	37[g]
Punjab L.A.	1(1)	15	10	—	8	10	10	13	6	—	4	6	15	1	—	34[h]
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A.	—	3	3	—	—	1	—	2	1	—	—	—	3	1	—	—

	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Uttaranchal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C.	17	3	2	—	4	—	—	—	—	—	4	—	—	3	—	27(i)
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY																
Delhi L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Pondicherry L.A.	—	4	—	—	—	—	—	—	26	—	—	2	25	—	—	—

* Information received from State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

(a) Committee on Justice Delivery System-1; Budget Committee-1; and Committee on Balanced Development of Community Development Block-1

(b) Internal Resources Committee-1; Nivedan Committee-1; Women and Child Welfare Housing Committee-1; and Zila Panchayat and Zila Parishad Committee-1

(c) Members Pay and Allowance Rules Committee-2; Panchayati Raj Committee-1; Welfare of Socially and Educationally Backward Classes Committee-6; and Papers Laid on the Table Committee-1

(d) Committee on Backward Classes and Minorities-12; Committee on Welfare of Women and Children-11; and Committee on Papers Laid on the Table-12

(e) Committee on the Welfare of Vimukta Jatis and Nomadic Tribes-11; Committee on Employment Guarantee Scheme-7(1); Panchayati Raj Committee-21(2); Catering Committee-1; Women Rights and Welfare Committee-7(2); and Other Backward Classes Committee-10

(f) Committee on the Welfare of Vimukta Jatis and Nomadic Tribes-11; Committee on Employment Guarantee Scheme-7(1); Panchayati Raj Committee-21(2); Catering Committee-1; Women Rights and Welfare Committee-7(2); and Other Backward Classes Committee-10

(g) House Committee on Women and Children Welfare-3; House Committee on Co-operatives-6; House Committee on Forests-5; House Committee on Environment-6; House Committee on Sarva Shiksha Abhiyan-5; Committee on Ethics-6; and House Committee on Submission-6

(h) Committee on Papers Laid/to be Laid on the Table of the House-12; Committee on Questions and References-9; and Committee on Local Bodies and Panchayati Raj Institutions-13

(i) Committee for Equality in Legislative Rights-4; Committee on Reference and Question-4; Committee on Finance and Administration Delay-4; Committee on Parliamentary Study-4; Parliamentary and Social Welfare Committee-4; and Committee on Control of Irregularities in Development Authorities, Housing Board, Zila Panchayats & Municipal Corporation-7

APPENDIX IV

LIST OF BILLS PASSED BY THE HOUSES OF PARLIAMENT AND ASSENTED TO BY THE PRESIDENT DURING THE PERIOD

1 OCTOBER TO 31 DECEMBER 2005

Sl. No.	Title of the Bill	Date of assent
1	2	3
1.	The Punjab General Sales Tax (As in force in the Union Territory of Chandigarh) Repeal Bill, 2005	14.12.2005
2.	The National Tax Tribunal Bill, 2005	20.12.2005
3.	The State Emblem of India (Prohibition of Improper Use) Bill, 2005	20.12.2005
4.	The Prevention of Insults to National Honour (Amendment) Bill, 2005	20.12.2005
5.	The Appropriation (Railways) No.5 Bill, 2005	20.12.2005
6.	The Disaster Management Bill, 2005	23.12.2005
7.	The Manipur University Bill, 2005	28.12.2005
8.	The Taxation Laws (Amendment) Bill, 2005	28.12.2005
9.	The Appropriation (No.5) Bill, 2005	28.12.2005

APPENDIX V

LIST OF BILLS PASSED BY THE LEGISLATURES OF THE STATES AND THE UNION TERRITORIES DURING THE PERIOD

1 OCTOBER TO 31 DECEMBER 2005

ASSAM LEGISLATIVE ASSEMBLY

1. The Assam Appropriation (No.VI) Bill, 2005
2. The Assam Value Added Tax (Third Amendment) Bill, 2005
3. The Assam Repealing Bill, 2005
4. The Assam College Employees (Provincialisation) Bill, 2005
5. The Bengal, Agra and Assam Civil Court (Assam Amendment) Bill, 2005

BIHAR LEGISLATIVE ASSEMBLY

1. The Bihar Appropriation Bill, 2005
2. The Bihar Appropriation (No.2) Bill, 2005

CHHATTISGARH LEGISLATIVE ASSEMBLY

1. The Chhattisgarh Krishi Upaz Mandi (Sanshodhan) Vidheyak, 2005
2. The Chhattisgarh bhu-rajasva Sanhita (Sanshodhan) Vidheyak, 2005
3. The Chhattisgarh Sahukari (Sanshodhan) Vidheyak, 2005
4. The Chhattisgarh Sthaniya Kshetra me Mal ke Pravesh par Kar (Sanshodhan) Vidheyak, 2005
5. The Chhattisgarh Sinchai Prabandhan me Krishakon Ki Bhagidari (Sanshodan) Vidheyak, 2005
6. The Dand Prakriya Samhita 1073 (Chhattisgarh Sanshodhan) Vidheyak, 2005
7. The Chhattisgarh Mullya Samvardhith Vikray Kar (Sanshodhan) Vidheyak, 2005
8. The Chhattisgarh Nagarpalika Nigam (Sanshodhan) Vidheyak, 2005
9. The Chhattisgarh Nagarpalika (Sanshodhan) Vidheyak, 2005
10. The Chhattisgarh Viniyog (Kramank-4) Vidheyak, 2005
11. The Chhattisgarh Vishesh Jana Suraksha Vidheyak, 2005
12. The Chhattisgarh ke Nikshepakon ke Hiton kaa Sanrakshan Vidheyak, 2005
13. The Chhattisgarh Madhyasham Adhikaran (Sanshodhan) Vidheyak, 2005
14. The Chhattisgarh Vidhan Sabha Sadasya (Vetan, Bhatta tatha Pension) (Sanshodan) Vidheyak, 2005

HARYANA LEGISLATIVE ASSEMBLY

1. The Haryana Housing Board (Amendment) Bill, 2005

2. The Kurukshetra Shrine (Repeal) Bill, 2005
3. The Haryana Panchayati Raj (Amendment) Bill, 2005
4. The Haryana Industrial Promotion Bill, 2005
5. The Punjab Agricultural Produce Markets (Haryana Amendment) Bill, 2005
6. The Haryana Development and Regulation of Urban Areas (Amendment) and Validation Bill, 2005
7. The Haryana Special Economic Zone Bill, 2005
8. The Haryana Municipal (Second Amendment) Bill, 2005
9. The Haryana Legislative Assembly Speaker's and Deputy Speaker's Salaries and Allowances (Amendment) Bill, 2005
10. The Haryana Salaries and Allowances of Ministers (Amendment) Bill, 2005
11. The Haryana Legislative (Allowances and Pension of Members) (Second Amendment) Bill, 2005
12. The Punjab Passengers and Goods Taxation (Haryana Amendment) Bill, 2005
13. The Haryana Fiscal Responsibility and Budget Management (Amendment) Bill, 2005
14. The Haryana Murrah Buffalo and other Milch Animals Breed (Preservation and Development of Animal Husbandry and Dairy Development Sector) Bill, 2005
15. The Haryana Legislative Assembly (Facilities to Members) Amendment Bill, 2005

MAHARASHTRA LEGISLATIVE ASSEMBLY

1. The Contract Labour (Regulation and Abolition) (Maharashtra Amendment) Bill, 2005
2. The Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Bill, 2005
3. The Bombay Public Trusts (Amendment) Bill, 2005
4. The Maharashtra University of Health Sciences (Amendment) Bill, 2005
5. The Bombay Tenancy and Agricultural Lands (Amendment) Bill, 2005
6. The Maharashtra Education and Employment Guarantee (Cess) (Amendment) Bill, 2005
7. The Bombay Motor Vehicles Tax (Amendment) Bill, 2005
8. The Bombay Prohibition (Amendment) Bill, 2005
9. The Bombay Entertainments Duty (Amendment) Bill, 2005
10. The Maharashtra (Third Supplementary) Appropriation Bill, 2005
11. The Maharashtra Appropriation (Excess Expenditure) Bill, 2005
12. The Maharashtra State Commission for Backward Classes Bill, 2005
13. The Maharashtra Right to Information (Repeal) Bill, 2005
14. The Maharashtra Public Records Bill, 2005
15. The Bombay Nursing Homes Registration (Amendment) Bill, 2005

16. The Maharashtra State Board of Technical Education (Amendment) Bill, 2005

MAHARASHTRA LEGISLATIVE COUNCIL

1. The Maharashtra State Commission for Backward Classes Bill, 2005
2. The Maharashtra Right to Information (Repeal) Bill, 2005
3. The Maharashtra Public Records Bill, 2005
4. The Mumbai Nursing Homes Registration (Amendment) Bill, 2005
5. The Maharashtra State Board of Technical Education (Amendment) Bill, 2005
6. The Maharashtra Devdasi Practice (Abolition) Bill, 2005
7. The Contract Labour (Regulation and Abolition) (Maharashtra Amendment) Bill, 2005
8. The Maharashtra Agricultural Produce Marketing (Regulation) (Amendment) Bill, 2005
9. The Bombay Public Trust (Amendment) Bill, 2005
10. The Maharashtra University of Health Sciences (Amendment) Bill, 2005
11. The Bombay Tenancy and Agricultural Lands (Amendment) Bill, 2005
12. The Bombay Prohibition (Amendment) Bill, 2005
13. The Bombay Entertainments Duty (Amendment) Bill, 2005
14. The Maharashtra Education and Employment Guarantee (Cess) (Amendment) Bill, 2005
15. The Bombay Motor Vehicles Tax (Amendment) Bill, 2005
16. The Maharashtra (Third Supplementary) Appropriation Bill, 2005
17. The Maharashtra Appropriation (Excess Expenditure) Bill, 2005

PUNJAB LEGISLATIVE ASSEMBLY

1. The Punjab Plastic Carry Bags (Manufacture, Usage and Disposal) Control Bill, 2005
2. The Punjab District Planning Committees Bill, 2005
3. The Lovely Professional University Bill, 2005
4. The Punjab School Education Board (Amendment) Bill, 2005
5. The Punjab Mechanical Vehicles (Bridges and Roads Tolls) Amendment Bill, 2005
6. The Punjab Roads and Bridges Development Board (Amendment) Bill, 2005
7. The Punjab Technical University (Amendment) Bill, 2005
8. The Punjab Tax on Lotteries Bill, 2005
9. The Punjab Value Added Tax (Amendment) Bill, 2005
10. The Punjab Entertainments Duty (Amendment) Bill, 2005
11. The Punjab Industrial Facilitation Bill, 2005

12. The Punjab Fiscal Responsibility and Budget Management (Amendment) Bill, 2005

TRIPURA LEGISLATIVE ASSEMBLY

1. The Tripura Tax on Luxuries in Hostels and Lodging Houses (Amendment) Bill, 2005

UTTAR PRADESH LEGISLATIVE ASSEMBLY

1. The Uttar Pradesh Kshetra Panchayats and Zila Panchayats (Sanshodhan) Vidheyak, 2005
2. The Uttar Pradesh Credit (Amendment) Bill, 2005
3. The Uttar Pradesh Urban Local Self Government Laws (Amendment) Bill, 2005
4. The Doctor Ram Manohar Lohiya Rashtriya Vidhi Sanshthan Uttar Pradesh Vidheyak, 2005
5. The Uttar Pradesh Rural Institute of Medical Sciences and Research Saifai Bill, 2005
6. The Uttar Pradesh Appropriation (Second Supplementary 2005-2006) Bill, 2005
7. The Uttar Pradesh Subordinate Services Selection Commission Bill, 2006
8. The Uttar Pradesh Sugarcane (Purchase Tax) (Amendment) Bill, 2006
9. The Uttar Pradesh King George's University of Dental Science (Amendment) Bill, 2006
10. The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2006
11. The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Bill, 2006
12. The Uttar Pradesh Krishi Utpadan Mandi (Sansodhan) Vidheyak, 2006
13. The Uttar Pradesh Motor Vehicles Taxation (Amendment) Bill, 2006
14. The Uttar Pradesh Special Economic Development (Amendment) Bill, 2006
15. The Uttar Pradesh State Legislature (Prevention of Disqualification) (Amendment) Bill, 2006
16. The Uttar Pradesh Appropriation Bill, 2006
17. The Mangalayatan University Uttar Pradesh Bill, 2006
18. The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sansodhan) Vidheyak, 2006
19. The Uttar Pradesh Development Council Bill, 2006

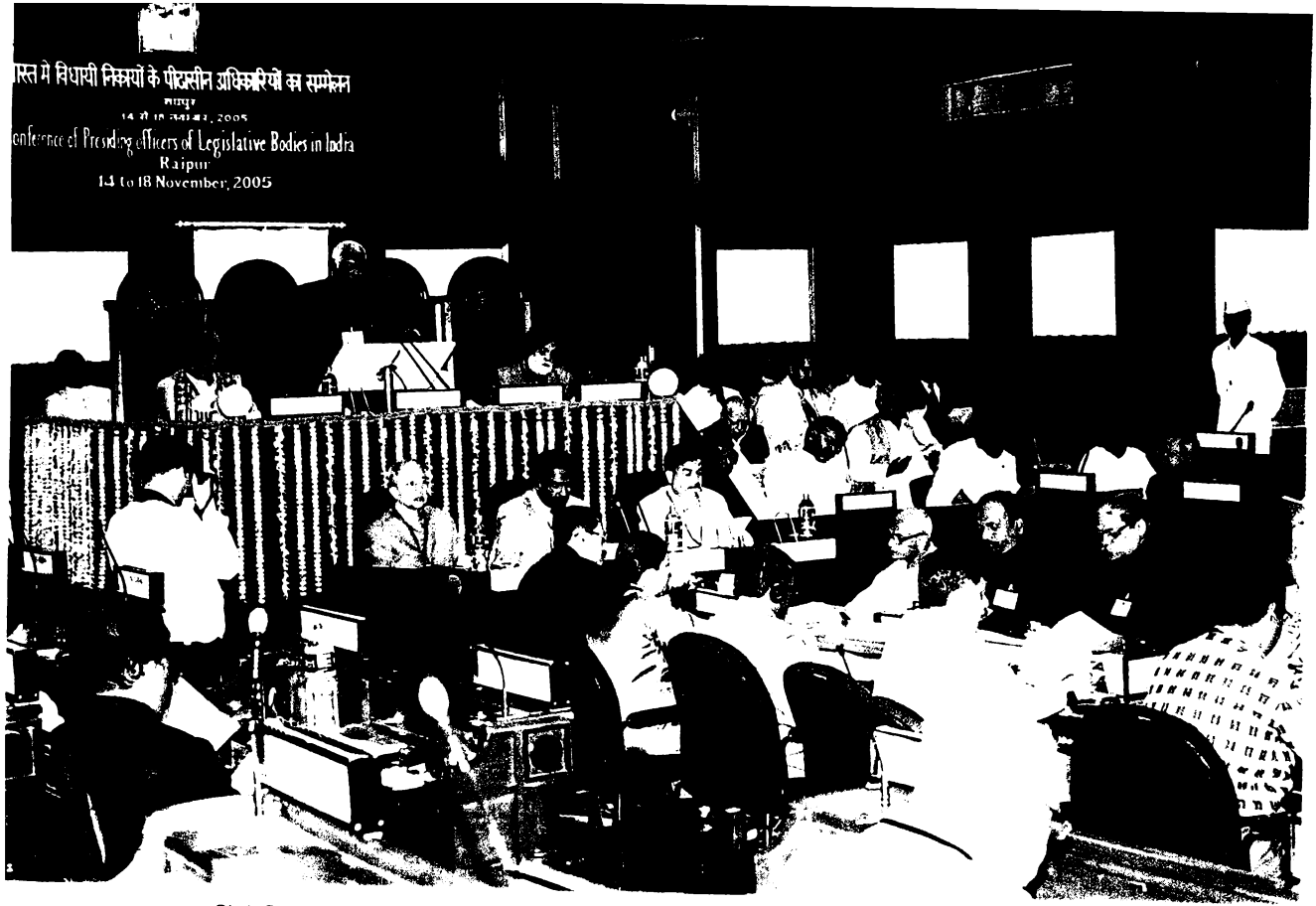
PONDICHERRY LEGISLATIVE ASSEMBLY

1. The Pondicherry Municipalities (Amendment) Bill, 2005
2. The Pondicherry Village and Commune Panchayats Bill, 2005

APPENDIX VI

ORDINANCES PROMULGATED BY THE UNION AND STATE GOVERNMENTS DURING THE PERIOD 1 OCTOBER TO 31 DECEMBER 2005

Sl. No.	Title of Ordinance	Date of Promulgation	Date on which laid before the House	Date of Cessation	Remarks
		UNION GOVERNMENT			
1.	The Manipur University Ordinance, 2005	13.10.2005	25.11.2005	—	Replaced by an Act of Parliament
2.	The Taxation Laws (Amendment) Ordinance, 2005	31.10.2005	25.11.2005	—	Replaced by an Act of Parliament
		CHHATTISGARH			
1.	The Chhattisgarh Sinchai Prabandhan me Krishankon Ki Bhagidari (Amendment) Adhyadesh, 2005	18.10.2005	19.12.2005	—	Replaced by Legislation
2.	The Chhattisgarh Sthaniya Kshetra Me Mal Ke Pravesh Par Kar (Amendment) Ordinance, 2005	25.10.2005	19.12.2005		Replaced by Legislation
		KARNATAKA			
1.	The Karnataka Right to Information (Repeal) Ordinance, 2005	17.10.2005	—	—	—



Shri Somnath Chatterjee, Speaker, Lok Sabha delivering the Inaugural Addresss at the Seventieth Conference of Presiding Officers of Legislative Bodies in India

		MAHARASHTRA			
1.	The Maharashtra Contingency Fund (Amendment) Ordinance, 2005	11.08.2005	06.12.2005	15.01.2006	—
2.	The Bombay Public Trusts (Amendment) Ordinance, 2005	16.09.2005	06.12.2005	15.01.2006	Replaced by Legislation
3.	The Maharashtra Right to Information (Repeal) Ordinance, 2005	05.10.2005	06.12.2005	15.01.2006	Replaced by Legislation
4.	The Maharashtra Contingency Fund (Amendment) Ordinance, 2005	14.10.2005	06.12.2005	15.01.2006	—
5.	The Maharashtra University of Health Sciences (Amendment) Ordinance, 2005	31.10.2005	06.12.2005	15.01.2006	Replaced by Legislation
6.	The Bombay Entertainments Duty (Amendment) Ordinance, 2005	29.11.2005	06.12.2005	15.01.2006	Replaced by Legislation
7.	The Bombay Prohibition (Amendment) Ordinance, 2005	29.11.2005	06.12.2005	15.01.2006	Replaced by Legislation
		MEGHALAYA			
1.	The Meghalaya Board of School Education Ordinance, 2005	10.09.2005	14.10.2005	—	Referred to Select Committee

		ORISSA			
1.	The Orissa Co-operative Societies (Amendment) Ordinance, 2005	31.12.2005	14.02.2006	—	Replaced by Legislation
		UTTAR PRADESH			
1.	The Uttar Pradesh Agriculture Credit (Amendment) Ordinance, 2005	22.11.2005	—	—	—
2.	The Uttar Pradesh Kshetra Panchayats and Zila Panchayats (Sanshodhan) Adhyadesh, 2005	22.11.2005	—	—	—

APPENDIX VII

A. PARTY POSITION IN 14TH LOK SABHA (STATEWISE) AS ON 14 APRIL 2006

States	Seats	INC	BJP	CPI (M)	SP	RJD	DMK	BSP	SS	BJD	CPI	NCP	JD (U)	SAD	PMK	JMM	TRS	TDP	MD MK	LJ SP	AIFB
Andhra Pradesh	42	29	—	1	—	—	—	—	—	—	1	—	—	—	—	—	5	5	—	—	—
Arunachal Pradesh	2	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Assam	14	9	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bihar	40	3	5	—	—	22	—	—	—	—	—	—	6	—	—	—	—	—	—	4	—
Chhattisgarh	11	1	9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Goa	2	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gujarat	26	12	14	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Haryana	10	9	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Himachal Pradesh	4	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir	6	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand	14	6	1	—	—	1	—	—	—	—	1	—	—	—	—	4	—	—	—	—	—
Karnataka	28	9	16	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kerala	20	—	—	12	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh	29	3	24	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra	48	13	11	—	—	—	—	—	12	—	—	9	—	—	—	—	—	—	—	—	—
Manipur	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Meghalaya	2	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—
Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa	21	2	7	—	—	—	—	—	—	11	—	—	—	—	—	1	—	—	—	—	—
Punjab	13	2	3	—	—	—	—	—	—	—	—	—	—	8	—	—	—	—	—	—	—
Rajasthan	25	4	21	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu	39	10	—	2	—	—	16	—	—	—	2	—	—	—	5	—	—	—	4	—	—
Tripura	2	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttaranchal	5	1	3	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh	80	8	10	—	36	—	—	15	—	—	—	—	1	—	—	—	—	—	—	—	—
West Bengal	42	5	—	25	—	—	—	—	—	—	3	—	—	—	—	—	—	—	—	—	3
Nominated	2	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORIES																					
A & N Islands	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chandigarh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dadra & Nagar Haveli	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daman and Diu	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
NCT of Delhi	7	6	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lakshadweep	1	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	—	—	—	—	—
Pondicherry	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	545	145	131	42	38	23	16	15	12	11	10	10	8	8	6	5	5	5	4	4	3

APPENDIX VII (CONTD.)

A. PARTY POSITION IN 14TH LOK SABHA (STATEWISE) AS ON 14 APRIL 2006

States	JD(S)	RLD	RSP	AGP	J&K NC	KC	AIM IM	AITC	BNP	J&K PDP	MNF	ML KSC	NPF	NLP	RPI (A)	SJP (R)	SDF	IND	TOTAL	VACAN-CIES
Andhra Pradesh	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	42	—
Arunachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Assam	—	—	—	2	—	—	—	—	—	—	—	—	—	—	—	—	—	1	14	—
Bihar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	40	—
Chhattisgarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	10	1
Goa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Gujarat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	26	—
Haryana	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	10	—
Himachal Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	3	1
Jammu & Kashmir	—	—	—	—	2	—	—	—	—	1	—	—	—	—	—	—	—	1	6	—
Jharkhand	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	1
Karnataka	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	28	—
Kerala	1	—	—	—	—	2	—	—	—	—	—	1	—	—	—	—	—	1	20	—
Madhya Pradesh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	27	2
Maharashtra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	46	2
Manipur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	2	—
Meghalaya	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Mizoram	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	1	—
Nagaland	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—
Orissa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	21	—
Punjab	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13	—
Rajasthan	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	25	—
Sikkim	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—
Tamil Nadu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	39	—
Tripura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
Uttaranchal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5	—
Uttar Pradesh	—	3	—	—	—	—	—	—	—	—	—	—	—	1	—	1	—	1	76	4
West Bengal	—	—	3	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	40	2
Nominated	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2	—
UNION TERRITORIES																				
A & N Islands	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Chandigarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Dadra & Nagar Haveli	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—	—	—	1	—
Daman and Diu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
NCT of Delhi	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	7	—
Lakshadweep	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Pondicherry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—

Abbreviations used in respect of parties represented in the Lok Sabha:

AGP-Asom Gana Parishad; AIFB-All India Forward Bloc; AIMIM-All India Majlis-e-Ittehadul Muslimeen; AITC-All India Trinamool Congress; BJD-Biju Janata Dal; BJP-Bharatiya Janata Party; BNP-Bharatiya Navshakti Party; BSP-Bahujan Samaj Party; CPI(M)-Communist Party of India (Marxist); CPI-Communist Party of India; DMK-Dravida Munnetra Kazhagam; INC-Indian National Congress; IND-Independents; J&KPDP-Jammu & Kashmir Peoples Democratic Party; J&KNC-Jammu & Kashmir National Conference; JD(S)-Janata Dal (Secular); JD(U)-Janata Dal (United); JMM-Jharkhand Mukti Morcha; KC-Kerala Congress; LJSP-Lok Jan Shakti Party; MDMK-Marumalarchi Dravida Munnetra Kazhagam; MLKSC-Muslim League Kerala State Committee; MNF-Mizo National Front; NCP-Nationalist Congress Party; NLP-National Loktantrik Party; NPF-Nagaland Peoples Front; PMK-Pattali Makkal Katchi; RJD-Rashtriya Janata Dal; RLD-Rashtriya Lok Dal; RPI(A)-Republican Party of India(A); RSP-Revolutionary Socialist Party; SAD-Shiromani Akali Dal; SDF-Sikkim Democratic Front; SJP(R)-Samajwadi Janata Party (Rashtriya); SP-Samajwadi Party; SS-Shiv Sena; TDP-Telugu Desam Party; TRS-Telangana Rashtra Samithi.

B. PARTY POSITION IN THE RAJYA SABHA (AS ON 13 APRIL 2006)

Sl. No.	State/Union Territories	Seats	INC	BJP	CPI (M)	SP	AIA-DMK	RJD	BSP	TDP	NCP	JD(U)	BJD	SS	*Others	IND	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
STATES																		
1	Andhra Pradesh	18	10	—	1	—	—	—	—	6	—	—	—	—	1[a]	—	18	—
2.	Arunachal Pradesh	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
3.	Assam	7	5	1	—	—	—	—	—	—	—	—	—	—	—	1	7	—
4.	Bihar	16	1	3	—	—	—	7	—	—	—	4	—	—	1[b]	—	16	—
5.	Chhattisgarh	5	3	2	—	—	—	—	—	—	—	—	—	—	—	—	5	—
6.	Goa	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
7.	Gujarat	11	3	8	—	—	—	—	—	—	—	—	—	—	—	—	11	—
8.	Haryana	5	1	—	—	—	—	—	—	—	—	—	—	—	3[c]	1	5	—
9.	Himachal Pradesh	3	2	1	—	—	—	—	—	—	—	—	—	—	—	—	3	—
10.	Jammu & Kashmir	4	2	—	—	—	—	—	—	—	—	—	—	—	2[d]	—	4	—
11.	Jharkhand	6	1	4	—	—	—	—	—	—	—	1	—	—	—	—	6	—
12.	Karnataka	12	6	2	—	—	—	—	—	—	—	—	—	—	2[e]	2	12	—
13.	Kerala	9	4	—	2	—	—	—	—	—	—	—	—	—	3[f]	—	9	—
14.	Madhya Pradesh	11	3	8	—	—	—	—	—	—	—	—	—	—	—	—	11	—
15.	Maharashtra	19	6	3	—	—	—	—	—	—	4	—	—	4	1[g]	1	19	—
16.	Manipur	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
17.	Meghalaya	1	—	—	—	—	—	—	—	—	1	—	—	—	—	—	1	—
18.	Mizoram	1	—	—	—	—	—	—	—	—	—	—	—	—	1[h]	—	1	—
19.	Nagaland	1	—	—	—	—	—	—	—	—	—	—	—	—	1[f]	—	1	—
20.	Orissa	10	2	3	—	—	—	—	—	—	—	—	4	—	—	1	10	—
21.	Punjab	7	5	—	—	—	—	—	—	—	—	—	—	—	2[i]	—	7	—
22.	Rajasthan	10	4	6	—	—	—	—	—	—	—	—	—	—	—	—	10	—
23.	Sikkim	1	—	—	—	—	—	—	—	—	—	—	—	—	1[k]	—	1	—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
24.	Tamil Nadu	18	3	—	—	—	12	—	—	—	—	—	—	—	3[f]	—	18	—
25.	Tripura	1	—	—	1	—	—	—	—	—	—	—	—	—	—	—	1	—
26.	Uttaranchal	3	3	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—
27.	Uttar Pradesh	31	1	6	—	13	—	—	7	—	—	—	—	—	1[m]	1	29	2
28.	West Bengal	16	—	—	9	—	—	—	—	—	—	—	—	—	6[n]	1	16	—
UNION TERRITORIES																		
29.	NCT of Delhi	3	3	—	—	—	—	—	—	—	—	—	—	—	—	—	3	—
30.	Pondicherry	1	1	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
31.	Nominated	12	—	3	—	—	—	—	—	—	—	—	—	—	7[o]	—	10	2
	TOTAL	245	72	50	13	13	12	7	7	6	5	5	4	4	35	8	241	4

OTHERS
(Break-up of Parties/Groups)

(a) Communist Party of India-1
(b) Samata Party-1
(c) Indian National Lok Dal-3
(d) Jammu and Kashmir National Conference-1; and Peoples' Democratic Party-1
(e) Janata Dal (Secular)-2
(f) Muslim League-2; and Revolutionary Socialist Party-1
(g) Sadbhavana Party-1
(h) Mizo National Front-1
(i) Nagaland Peoples Front-1
(j) Shiromani Akali Dal-2
(k) Sikkim Democratic Front-1
(l) Dravida Munnetra Kazhagam-2; and Pattali Makkal Katchi-1
(m) Rashtriya Lok Dal-1
(n) Akhil Bharatiya Loktantrik Congress-3; Forward Bloc-2; and Revolutionary Socialist Party-1
(o) Nominated-7

C. PARTY POSITION IN STATE / UNION TERRITORY LEGISLATURES

State/Union territories	Seats	Cong.(I)	BJP	CPI(M)	CPI	NCP	BSP	Janata Dal (U)	Janata Dal (S)	Other Parties	Ind.	Total	Vacancies
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Andhra Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Arunachal Pradesh L.A. (1.3.2006)	60	34	9	—	—	2	—	—	—	2[a]	13	60	—
Assam L.A. (1.3.2006)	126	75	8	—	—	—	—	—	—	25[b]	18	126	—
Bihar L.A. (1.3.2006)	243	9	55	1	3	1	4	88	—	72[c]	10	243	—
Bihar L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhattisgarh L.A. (1.3.2006)	91	35	51	—	—	1	2	—	—	1[d]	—	90	1
Goa L.A. (1.3.2006)	40	18	17	—	—	2	—	—	—	2[e]	1	40	—
Gujarat L.A. (1.3.2006)	182	48	130	—	—	—	—	2	—	—	2	182	—
Haryana L.A. (1.3.2006)	90	66	2	—	—	1	1	—	—	9[f]	10	89*	—
Himachal Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Jammu & Kashmir L.C.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Jharkhand L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Karnataka L.A. (17.4.2006)	225	64	79	1	—	—	—	5	58	4[g]	13	224*	—
Karnataka L.C. (2.11.2005)	75	45	9	—	—	—	—	3	10	—	2	69*	5

Kerala L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Madhya Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Maharashtra L.A. (1.3.2006)	289	73	54	3	—	71	—	—	—	69[h]	19	289	—
Maharashtra L.C. (31.12.2005)	78	21	—	—	—	19	12	—	—	14[i]	12	78	—
Manipur L.A. (1.3.2006)	60	33	4	—	5	—	—	—	—	18[j]	—	60	—
Meghalaya L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Mizoram L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Nagaland L.A.*	—	—	—	—	—	—	—	—	—	—	—	—	—
Orissa L.A. (1.3.2006)	147	38	32	1	1	—	—	—	—	67[k]	8	147	—
Punjab L.A. (1.3.2006)	117	66	2	—	—	—	—	—	—	40[l]	9	117	—
Rajasthan L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Sikkim L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Tamil Nadu L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Tripura L.A. (1.3.2006)	60	13	—	38	1	—	—	—	—	8[m]	—	60	—
Uttaranchal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Uttar Pradesh L.C. (1.3.2006)	100	4	25	—	—	—	12	—	—	52[n]	6	99	1
West Bengal L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
UNION TERRITORY													
Delhi L.A.**	—	—	—	—	—	—	—	—	—	—	—	—	—
Pondicherry L.A. (31.12.2005)	33	17	1	—	1	—	—	—	—	10[o]	2	32[p]	1

* Information received from the State/Union territory Legislatures contained NIL report

** Information not received from the State/Union territory Legislatures

@ Excluding Speaker/Chairman

a) Arunachal Congress-2

b) Asom Gana Parishad-20; Autonomous State Demand Committee (United)-2; Samata Party-1 Samajwadi Party-1; and All India Trinamool Congress-1

c) Rashtriya Janata Dal-54; Lok Jan Shakti Party-10; Communist Party of India (ML-Liberation)-5; Samajwadi Party-2; and Akhil Jan Vikas Party-1

d) Nominated-1

e) United Goans Democratic Party-1; and Maharashtrawadi Gomantak Party-1

f) Indian National Lok Dal-9

g) Kannada Chalavali Vatal Paksha-1; Kannada Naadu Party-1; Republican Party of India-1; and Nominated-1

h) Shiv Sena-58; Jan Surajya Shakti-4; Peasants and Workers' Party-2; Bharip Bahujan Mahasangh-1; Republican Party of India (A)-1; Swatantra Bharat Paksha-1; Aakhil Bharatiya Sena-1; and Nominated-1

i) Shiv Sena-12; Peasants and Workers' Party-1; and Peoples' Republican Party-1

j) Federal Party of Manipur-13; Manipur Peoples' Party-2; Manipur State Congress Party-2; and Manipur National Conference-1

k) Biju Janata Dal-61; Jharkhand Mukti Morcha-4; and Orissa Gana Parishad-2

l) Shiromani Akali Dal-40

m) Revolutionary Socialist Party-2; and Indigenous Nationalist Party of Twipra-6

n) Samajwadi Party-36; Rashtriya Lok Dal-5; Samajwadi Janata Dal (Rashtriya)-1; and Sikchhak Dal (Non-Political)-10

o) All India Anna Dravida Munnetra Kazhagam-2; Tamil Manila Congress-1; and Dravida Munnetra Kazhagam-7